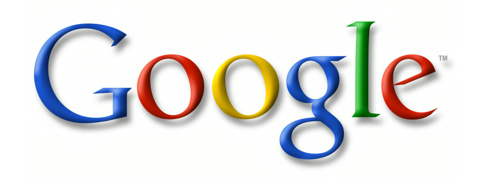
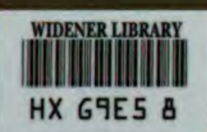



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14 May, 1880.

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STATUTES OF CANADA

PASSED IN THE SESSION HELD IN THE

THIRTY-SECOND AND THIRTY-THIRD YEARS OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA,

BEING THE SECOND SESSION OF THE FIRST PARLIAMENT OF CANADA,

Begun and holden at Ottawa, on the Fifteenth day of April, 1869, and closed by prorogation on the Twenty-second day of June, in the same year.

RESERVED ACTS.



HIS EXCELLENCY

THE RIGHT HONORABLE SIR JOHN YOUNG,

GOVERNOR GENERAL.

OTTAWA:

PRINTED BY BROWN CHAMBERLIN,

LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

Anno Domini, 1870.



ANNO TRICESIMO-SECUNDO ET TRICESIMO-TERTIO

VICTORIÆ REGINÆ.

CAP. LXXIV.

An Act respecting the Salary of the Governor General.

[*Reserved for the signification of Her Majesty's pleasure thereon, 22nd June, 1869; Royal Assent given by Her Majesty in Council on the 7th August, 1869; Proclamation thereof made by His Excellency the Governor General on the 16th October, 1869.*]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— **Preamble.**

1. There shall be payable yearly, and *pro rata* for any period less than a year, to the Governor General of Canada, for the time being, the salary of ten thousand pounds sterling, equal to and of the value of forty-eight thousand six hundred and sixty-six dollars and sixty-three cents; and the same shall be payable out of the Consolidated Revenue Fund of Canada, and shall form the third charge thereon. **Salary fixed at £10,000 sterling.**

OTTAWA:—Printed by BROWN CHAMBERLIN, Law Printer to the Queen's Most Excellent Majesty.



ANNO TRICESIMO-SECUNDO ET TRICESIMO-TERTIO

VICTORIÆ REGINÆ.

CAP. LXXV.

An Act for the relief of John Horace Stevenson.

[*Reserved for the signification of Her Majesty's pleasure thereon, 22nd June, 1869; Royal Assent given by Her Majesty in Council on the 7th October, 1869; Proclamation thereof made by His Excellency the Governor General on the 20th November, 1869.*]

WHEREAS John Horace Stevenson, of the City of Toronto, in the County of York, Merchant, late of the Town of Napanee, in the County of Lennox and Addington, hath by his petition humbly set forth, that on the twenty-second day of November, in the year of Our Lord one thousand eight hundred and sixty, he was married to Mary Elizabeth Foote (now called Mary Elizabeth Perry), and such marriage was solemnized at the private residence of Benjamin Foote, the Father of the said Mary Elizabeth Foote, at the said Town of Napanee, then the Village of Napanee, according to the rites of the Wesleyan Methodist Church in Canada; that at the time of such marriage he was a minor under the age of twenty-one years, being then in his seventeenth year, and was inveigled into the said marriage, not knowing fully the effect and importance of the same; that the said marriage was by license and performed without the knowledge or consent and contrary to the wish of his Father, who was then alive, and resided in Napanee aforesaid; that about the time the said marriage ceremony was being performed, his Father became acquainted with the fact, and made every endeavor in his power to prevent the same, but the said ceremony had been performed before he had an opportunity to interfere; that he and the said Mary Elizabeth Foote were separated by his Father immediately after the said marriage ceremony, and have lived separate ever since, and the said marriage was never consummated by co-habitation; that in or about the year one thousand eight hundred and sixty-four, the said Mary Elizabeth Foote became engaged to be married to one John F. Perry, to whom she was subsequently married (so far as it was possible) in the State of New York, one of the United States of America, but when, by whom, or at what particular place, the said petitioner has been unable to ascertain; Preamble.

that

that ever since that time, the said Mary Elizabeth Foote and John F. Perry, have been and still are living together as man and wife at Nevada County, in the State of California, one of the said United States, and the said Mary Elizabeth Foote has had at least one child by the said John F. Perry; that the place where the separation of the said Mary Elizabeth Foote, from him the said John Horace Stevenson occurred, was the said Town of Napanee; that he has not commenced or prosecuted any action in any Court against the said John F. Perry, by reason of the premises, as the cause of action in respect thereof arose beyond the jurisdiction of any Court in the Province of Ontario, and the said John F. Perry, since the time such cause of action arose, has resided and still continues to reside, beyond the jurisdiction of any of the Courts aforesaid; that an action has been commenced by Her Majesty the Queen, by a writ of *Scire Facias* against Jehiel D. Roblin and Samuel Huff, Junior, on the Bond upon which the marriage license was issued by the authority of which the said marriage was celebrated, and such proceedings were thereupon had that Her Majesty recovered upon the said Bond a judgment of the said Court for the amount of the said Bond debt, the effect of the said judgment being to declare that such marriage was not illegal and void notwithstanding the infancy of the said petitioner and the absence of consent on the part of his Father; that the said Mary Elizabeth Foote has by her so-called marriage with the said John F. Perry, and by her adulterous intercourse with him, dissolved the said bond of matrimony on her part, and the said John Horace Stevenson has been deprived of the comforts of matrimony, and is liable to have a spurious issue imposed upon him, unless the said marriage should be declared null and void; therefore, he humbly prays that the said marriage may be dissolved, so as to enable him to marry again, and that he may have such further and other relief in the premises as may be deemed fit; And, whereas, the said John Horace Stevenson hath made proof of the adultery above stated, and it is expedient that the prayer of the said petition should be granted; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage made void.

1. The said marriage between the said John Horace Stevenson, and the said Mary Elizabeth Foote, is and shall be henceforth null and void to all intents and purposes whatsoever.

Stevenson may marry again.

2. It shall and may be lawful for the said John Horace Stevenson, at any time hereafter, to contract matrimony and to marry with any other woman with whom he might lawfully marry, in case the said marriage had not been solemnized between him and the said Mary Elizabeth Foote.

Issue of such marriage declared legitimate.

3. In case of the said John Horace Stevenson again contracting matrimony with any person or persons with whom it would be lawful for him to contract matrimony, if they the said John Horace Stevenson and Mary Elizabeth Foote had not intermarried, and

and having any issue born to him, the said issue so born shall be and are hereby declared to be to all intents and purposes legitimate, and the rights of them the said issue and each of them, and of their respective heirs, as respects their and each of their capacity to inherit, have, hold, enjoy, and transmit all and all manner of property real or personal, of what nature or kind soever, from any person or persons whomsoever, shall be and remain the same as they would have been to all intents and purpurposes whatsoever, if the marriage between the said John Horace Stevenson and Mary Elizabeth Foote had not taken place.

OTTAWA :—Printed by BROWN CHAMBERLIN. Law Printer to the Queen's Most Excellent Majesty.

STATUTES OF CANADA

PASSED IN THE SESSION HELD IN THE

THIRTY-THIRD YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA,

BEING THE THIRD SESSION OF THE FIRST PARLIAMENT OF CANADA,

Begun and holden at Ottawa on the Fifteenth day of February, 1870, and closed by prorogation on the Twelfth day of May in the same year.



HIS EXCELLENCY

THE RIGHT HONORABLE SIR JOHN YOUNG,

GOVERNOR GENERAL.

OTTAWA:
PRINTED BY BROWN CHAMBERLIN,
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

Anno Domini, 1870.



ANNO TRICESIMO-TERTIO.

VICTORIÆ REGINÆ.

CAP. I.

An Act to authorize the apprehension and detention of such persons as shall be suspected of committing acts of hostility or conspiring against Her Majesty's Person and Government.

[*Assented to* 14*th April*, 1870.]

WHEREAS, certain evil disposed persons, being subjects or citizens of Foreign Countries at peace with Her Majesty, threaten lawless invasions of and hostile incursions into Canada, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: **Preamble.**

1. All and every person and persons who is, are, or shall be within prison in Canada at, upon, or after the day of the passing of this Act, by Warrant of Commitment signed by any two Justices of the Peace, or by a Commissioner of Police appointed under the Act of the Parliament of Canada, passed in the thirty-first year of Her Majesty's reign, and intituled: "An Act respecting Police of Canada," or under capture or arrest made, with or without Warrant, by any of the officers, non-commissioned officers, or men of Her Majesty's Regular, Militia, or Active Militia Forces, or by any of the officers, warrant officers, or men of Her Majesty's Navy, and charged **Persons in custody at or after the passing of this Act charged with certain offences—**

With being or continuing in arms against Her Majesty in Canada;

Or with any act of hostility therein;

Or with having entered Canada with design or intent to levy war against Her Majesty, or to commit any felony therein;

Or with levying war against Her Majesty in company with any of the subjects or citizens of any Foreign State or Country then at peace with Her Majesty;

Or with entering Canada in company with any such subjects or citizens with intent to levy war on Her Majesty, or to commit any act of Felony therein;

 Or

Or with joining himself or themselves to any person or persons whatsoever, with the design or intent to aid and assist him or them, whether subjects or aliens, who have entered or may enter Canada, with design or intent to levy war on Her Majesty, or to commit any felony within the same;

Or charged with High Treason or treasonable practices, or suspicion of High Treason or treasonable practices;

May be detained without bail until the end of the Session next after 1st January, 1871

May be detained in safe custody without Bail or mainprize until the first day of January, one thousand eight hundred and seventy one, and until the end of the Session of Parliament then next succeeding; and no Judge or Justice of the Peace shall bail or try any such person or persons so committed, captured, or arrested, without order from the Queen's Privy Council for Canada, until the day after the termination of the first Session held after the first day of January, one thousand eight hundred and seventy-one, any Law or Statute to the contrary notwithstanding; provided, that if within one month after the date of any Warrant of Commitment, the same or a copy thereof certified by the party in whose custody any such person or persons is or are detained under it, be not countersigned by a Clerk of the Queen's Privy Council for Canada, then any person or persons detained in custody under such Warrant of Commitment for any of the causes aforesaid by virtue of this Act, may apply to be and may be admitted to Bail.

Proviso: warrant must be countersigned by a Clerk of Her Majesty's Privy Council for Canada.

By whom and where such persons may be detained.

2. In cases where any person or persons have been, before the passing of this Act, or shall be during the time this Act shall continue in force, arrested, committed or detained in custody by force of a Warrant of Commitment of any two Justices of the Peace, or of a Commissioner of Police, as aforesaid, for any of the causes in the preceding section mentioned, it shall and may be lawful for any person or persons to whom such Warrant or Warrants have been or shall be directed, to detain such person or persons so arrested or committed in his or their custody, in any place whatever within Canada, and such person or persons to whom such Warrant or Warrants have been or shall be directed, shall be deemed and taken to be to all intents and purposes lawfully authorized to detain in safe custody, and to be the lawful Gaolers and Keepers of such persons so arrested committed, or detained; and such place or places, where such person or persons so arrested, committed, or detained, are or shall be detained in custody, shall be deemed and taken, to all intents and purposes, to be lawful prisons and gaols for the detention and safe custody of such person and persons respectively; and it shall and may be lawful to and for the Queen's Privy Council for Canada, by warrant signed by a Clerk of the said Privy Council, to change the person or persons by whom and the place in which any such person or persons so arrested, committed, or detained, shall be detained in safe custody.

Place of custody may be changed, and how.

Act may be suspended, and again brought into force.

3. The Governor General may, by Proclamation, as and so often as he may see fit, suspend the operation of this Act, or within the period

period aforesaid, again declare the same to be in full force and effect, and upon any such Proclamation, this Act shall be suspended or of full force and effect, as the case may be.

4. This Act may be altered, amended or repealed during the present Session of Parliament. **May be amended this Session.**

CAP. II.

An Act for granting to Her Majesty certain sums of money required to defray certain expenses of the Public Service for the financial years ending, respectively, the 30th June, 1870, and the 30th June, 1871.

[*Assented to* 12*th May*, 1870.]

MOST GRACIOUS SOVEREIGN:

WHEREAS it appears, by Messages from his Excellency Sir John Young, Governor General of the Dominion of Canada, and the Estimates accompanying the same, that the sums hereinafter mentioned are required to defray certain expenses of the public service of the Dominion not otherwise provided for, for the financial years ending, respectively, the thirtieth day of June, one thousand eight hundred and seventy, and the thirtieth day of June, one thousand eight hundred and seventy-one, and for other purposes connected with the public service: May it therefore please Your Majesty, that it may be enacted, and be it enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that— **Preamble.**

1. From and out of the Consolidated Revenue Fund of Canada, there shall and may be applied a sum not exceeding in the whole one million nine hundred and five thousand seven hundred and sixty-nine dollars and seventy-two cents, towards defraying the several charges and expenses of the public service of the Dominion from the first day of July, in the year of Our Lord one thousand eight hundred and sixty-nine, to the thirtieth day of June, in the year of Our Lord one thousand eight hundred and seventy, not otherwise provided for, and set forth in the Schedule A to this Act, and also for the other purposes in the said Schedule mentioned, and relating as well to the public service of the financial year aforesaid as to that ending on the thirtieth day of June, in the year of our Lord one thousand eight hundred and seventy-one. **$1,905,769.72 granted for 1869-70, out of Con. Rev. Fund of Canada and for purposes in Schedule A.**

2. From and out of the Consolidated Revenue Fund of Canada, there shall and may be paid and applied a sum not exceeding in the whole thirteen million two hundred and twenty-three thousand one hundred and forty-five dollars and twenty cents, towards defraying the **$13,223,145.-20 granted out of Con. Rev. Fund of Canada, for purposes in Schedule B.**

the several charges and expenses of the public service of the Dominion from the first day of July, in the year of Our Lord one thousand and eight hundred and seventy, to the thirtieth day of June, in the year of Our Lord one thousand eight hundred and seventy-one, not otherwise provided for, and set forth in the Schedule B to this Act, and for other purposes in the said schedule mentioned; the said sum being the amount of those mentioned in the said Schedule, after deducting the sum of forty-five thousand dollars, which is also included in Schedule A, and thereby made applicable to the service of both the said financial years.

Recital.

3. And whereas, the appropriation of one million four hundred and sixty thousand dollars, made by the Act passed in the Session held in the thirty-second and thirty-third years of Her Majesty's Reign, chapter one, "for opening communication with the North-West Territories, establishing Government and providing for the settlement thereof," is cancelled, and a like sum is appropriated for similar purposes by the said Schedule A. to this Act; therefore, for the avoidance of doubt, it is hereby declared and enacted, that section four of the Act hereinbefore cited, and the loan therein mentioned, shall apply to the appropriation made by this Act in lieu of that made by the said Act and hereby cancelled as aforesaid.

Sect. 4 of 32 and 33 Vict., c. 1, to apply to grant of $1,460,000 made by this Act.

Accounting clause.

4. A detailed account of the sums expended under the authority of this Act shall be laid before the House of Commons of Canada, during the first fifteen days of the then next Session of Parliament.

SCHEDULE

SCHEDULE A.

SUMS granted to Her Majesty, by this Act, wholly or partly for the Financial Year ending 30th June, 1870, and the purposes for which they are granted.

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
CIVIL GOVERNMENT.		
To pay various members of the Civil Service the increase which would have accrued under the old Civil Service Act for the year 1867-8	....	2,480 00
POLICE.		
Dominion Police.		
To meet current expenditure for the remainder of the year..............	....	7,500 00
LEGISLATION.		
To meet amount required to cover expenditure for Printing, Binding, and Distributing the Laws for the remainder of the year	2,146 41	
Printing, Ruling, Paper, &c.	10,000 00	
Total	....	12,146 41
GEOLOGICAL SURVEY AND OBSERVATORIES.		
To pay expenses of photographs and report on the Eclipse of the Sun	....	200 00
IMMIGRATION AND QUARANTINE.		
Salaries of agents	3,668 00	
Further in aid of Immigration, (balance unexpended June 30th to be available for 1870-71)	9,000 00	
Total	....	12,668 00
OCEAN AND RIVER STEAM SERVICE.		
To re-imburse the Government of New Brunswick, for payment made by them to the Prince Edward Island Steam Navigation Company, for services, from 1st July, 1867, to end of season, 1867 (lapsed vote)..........	....	500 00
MILITIA.		
To cover an over expenditure for Drill Instruction for 1868-9, paid out of the vote for 1869-70, that amount having been under estimated in the vote of the previous year, the said over expenditure being in consequence of the great increase to the Volunteer Force during that period	20,000 00	
To meet expenditure incurred in repelling the threatened invasion by the Fenians	200,000 00	
Total	....	220,000 00
Carried forward	....	$255,494 41

SCHEDULE

SCHEDULE A—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward		....	255,494 41
LIGHT HOUSES AND COAST SERVICE.			
Quebec.			
To meet expenditure on account of construction of Light Houses, River St. Lawrence (in advance of $104,000 in the Estimates for 1870-1); expenditure under this head not to exceed such sum of $104,000, between the time of the passing of this Act, and the 30th June, 1871		25,000 00	
New Brunswick.			
To meet balance of expenditure on Point Lepreau Fog Alarm	800 00		
To re-imburse expenditure in repairing damage to Light Houses, caused by the tidal wave and gale of 4th October last, at Quaco, Partridge Island, Beacon Light, St. John Harbor, Swallow Tail Head Harbor, St. Andrews, and Point Lepreau	2,666 00		
Revote, Beacon Lights, St. John River	600 00		
Lantern and Apparatus, Paspebiac Light	400 00		
Repairing damaged French Dioptric Light, freight to Seal Island and erecting same	450 00		
		4,916 00	
Total		....	29,916 00
FISHERIES.			
Additional for the protection of the Fisheries (Marine Police) in advance of the vote for 1870-1; expenditure under this head, between the time of the passing of this Act and the 30th June, 1871, not to exceed the sum voted for such purpose, for the financial year ending 30th June, 1871		20,000 00	
To cover expenditure required for Fishery service, Ontario	1,891 00		
To cover expenditure required for Fishery service, Nova Scotia	3,540 00		
To cover expenditure required for Fishery service, New Brunswick.	1,532 00		
		6,963 00	
Total		....	26,963 00
CULLERS.			
To provide for amount required for the current year		....	10,000 00
COLLECTION OF REVENUES.			
Customs.			
Amount required to complete the services		....	20,000 00
Post Office.			
Amount required during the current year to cover expenditure on account of Money Order and Savings Bank Branches not specially included in Estimate		....	6,000 00
Carried forward		....	$348,373 41

SCHEDULE

SCHEDULE A—*Continued.*

SERVICE.	Amount	Total.
	$ cts.	$ cts.
Brought forward......	....	348,373 41
COLLECTION OF REVENUES.—*Continued.*		
Public Works.		
Welland Canal Loan Company, amount paid by them for rent on their lease of water power, the Government having resumed possession	6,480 00	
Award and costs in the case of Peter Stewart against Nova Scotia Railway 2,486 78		
Award and costs in the case of Mrs. E. A. Jones against Nova Scotia Railway... 3,597 00		
Gratuity to Ellen and Catherine McCarron, relatives of an Engine-Driver killed on Nova Scotia Railway...................... 600 00	6,683 78	
Eastern Extension Railway, maintenance and repairs from date of purchase of line to the close of the fiscal year....	8,000 00	21,163 78
NORTH WEST TERRITORIES.		
For opening communication with, establishing Government in, and providing for settlement of such territories, including expedition to Red River. (This vote to be in lieu of that for same amount granted on credit of unguaranteed loan, by Act 32, 33 Vict., c. 1, and hereby cancelled, and to cover the amounts already expended; and the unexpended balance on 30th June to be applicable to service of 1870–71)........................	....	1,460,000 00
UNPROVIDED ITEMS.		
Vide part II, page 60 in Public Accounts for the year ending 30th June, 1869 :—		
Legislation.		
Parliament Library : excess of expenditure over appropriation............	259 39	
Immigration and Quarantine.		
Excess of expenditure over appropriation	3,642 55	
Customs Expenditure.		
Excess of expenditure over appropriation....	7,788 93	
Post Office Service.		
Six months subsidy to the Inman Steam Packet Line, not estimated for	39,541 66	51,232 53
PUBLIC WORKS.		
(*Chargeable to Income.*)		
To repair damages to the works connected with the descent of timber on the Madawaska and other Rivers in the Ottawa District	....	25,000 00
Total	....	1,905,769 72

SCHEDULE B.

SUMS granted to Her Majesty by this Act, for the Financial Year ending 30th June, 1871, and the purposes for which they are granted.

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
CIVIL GOVERNMENT.		
Governor General's Secretary's Office	6,655 00	
The Department of the Privy Council	12,933 33	
The Department of Justice	8,192 50	
The Department of Militia and Defence	25,980 00	
The Department of the Secretary of State	21,587 50	
The Department of the Secretary of State for the Provinces	15,670 00	
The Department of the Receiver General	15,700 00	
The Finance Department	36,455 83	
The Customs Department	20,540 00	
The Inland Revenue Department	18,200 00	
The Department of Public Works	37,740 00	
The Post Office Department	49,940 00	
The Department of Agriculture	19,705 00	
The Department of Marine and Fisheries	14,210 00	
The Treasury Board Office	3,000 00	
The Finance Offices, Nova Scotia and New Brunswick	2,000 00	
The Dominion Offices, Nova Scotia	6,500 00	
The Dominion Offices, New Brunswick	6,500 00	
Departmental Contingencies	150,000 00	
Stationery Office, for Stationery	15,000 00	
To meet the possible amount for increases under the Civil Service Act, or for possible new appointments required by any extension of the Staff, or other charge	25,000 00	
Total Civil Government		511,509 16
ADMINISTRATION OF JUSTICE.		
Miscellaneous in connection with the Administration of Justice		10,000 00
POLICE.		
Police of the Dominion	25,000 00	
Water Police, Montreal	8,030 00	
River Police, Quebec	9,456 00	
Total		42,486 00
LEGISLATION.		
Senate.		
Salaries and Contingent Expenses of the Senate	45,270 00	
House of Commons.		
Salaries and Contingencies per Clerk's Estimate	80,065 00	
Salaries and Contingencies, per Sergeant-at-Arms' Estimate	40,468 75	
Carried forward	165,803 75	563,995 16

SCHEDULE

SCHEDULE B.—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward	165,803 75	563,995 16
LEGISLATION.—*Continued.*		
Miscellaneous.		
Grant to Parliamentary Library	6,000 00	
Printing, Binding, and Distributing the Laws	10,000 00	
Printing, Printing Paper, and Bookbinding	35,000 00	
St. Lawrence and Ottawa Railway, for two special trains daily, during Session of Parliament	2,400 00	
Commission for making provision for the Uniformity of the Laws of the Provinces	7,000 00	
Contingencies of the Clerk of the Crown in Chancery	1,000 00	
Miscellaneous Printing	2,000 00	
To pay for Preparation of Maps for Railway Committee	2,000 00	
Additional Stationery, House of Commons	800 00	
Total		232,003 75
GEOLOGICAL SURVEY AND OBSERVATORIES.		
Observatories.		
Observatory, Quebec	2,400 00	
do Toronto	4,800 00	
do Kingston	500 00	
do Montreal	500 00	
do Halifax	750 00	
do New Brunswick	800 00	
Total		9,750 00
ARTS, AGRICULTURE, AND STATISTICS.		
Salaries and contingent expenses of Statistical Office, Halifax	3,890 00	
Salaries of 316 Deputy Registrars, Province of Nova Scotia	1,580 00	
To meet the possible amount required in the fiscal year ending 30th June, 1871, for the taking of the Census	150,000 00	
Total		155,470 00
IMMIGRATION AND QUARANTINE.		
Salaries of Immigration Agents and Employés	18,212 00	
Medical Inspection, Port of Quebec	2,600 00	
Quarantine, Grosse Isle	12,000 00	
do St. John, N.B	3,900 00	
do Halifax	4,060 00	
Travelling expenses and contingencies, Europe and Canada	14,000 00	
To meet possible expenses of Immigration	45,000 00	
Total		99,772 00
Carried forward		1,060,990 91

SCHEDULE

SCHEDULE B.—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward		1,060,990 91
MARINE HOSPITALS.		
Marine and Emigrant Hospital, Quebec	21,500 00	
Marine Hospitals, New Brunswick and Nova Scotia, Hospital at St. Catharines, and Maintenance, &c. of Shipwrecked and Sick and Distressed Seamen at the several Ports of the Dominion	18,526 00	
Total		40,026 00
PENSIONS.		
Samuel Waller, late Clerk, House of Assembly	400 00	
L. Gagné, Messenger do	72 00	
John Bright, do do	80 00	
Mrs. Antrobus	800 00	
New Militia Pensions.		
Mrs. Caroline McEachern and 4 children	292 00	
Jane Lakey	146 00	
Rhoda Smith	110 00	
Janet Alderson	110 00	
Margaret McKenzie	80 00	
Mary Ann Richey, and 2 children	336 00	
Mary Morrison	80 00	
Louise Prud'homme, and 2 children	130 00	
Virginie Charron, and 4 children	150 00	
Paul M. Robins	146 00	
Chas. T. Bell	73 00	
Alex Oliphant	109 50	
Chas. Lugsden	91 25	
John White	109 50	
Thos. Charters	91 25	
Samuel McCrag	109 50	
Charles T. Robertson	110 00	
Percy G. Routh	400 00	
Richard S. King	400 00	
George A. McKenzie	73 00	
Edward Hilder	146 00	
Fergus Schofield	73 00	
John Bradley	109 50	
Richard Penticost	91 25	
James Bryan	109 50	
Jacob Stubbs	73 00	
Mary Connor	110 00	
Mary Hodgins, and 3 children	191 00	
John Martin	110 00	
A. E. Marchand	110 00	
A. W. Stevenson	110 00	
Mrs. J. Thorburn	150 00	
Mrs. P. T. Worthington, and children	378 00	
Mrs. J. H. Elliot, and children	130 00	
Mrs. Geo. Prentice, and children	400 00	
Ellen Kirkpatrick, and 3 children	266 00	
COMPENSATION TO PENSIONERS.		
In lieu of land	9,000 00	
Total		16,056 25
Carried forward		1,117,073 16

SCHEDULE

SCHEDULE B.—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward			1,117,073 16
PUBLIC WORKS AND BUILDINGS.			
(Chargeable to Capital.)			
DOMINION RAILWAYS.			
Intercolonial Railway		6,000,000 00	
Nova Scotia Railway (Revote $20,000 00)		59,200 00	
European and North American Railway, N. B		5,000 00	
CANALS.			
Lachine Canal—			
Supply Weir at Head (Revote)	34,000 00		
Culvert, River St. Pierre	16,000 00		
Welland Canal—			
Deepening to Lake Erie Level (Revote $25,000 00)	86,000 00		
Waste Weir at Dunnville	27,000 00		
Chambly Canal—			
Houses for Lock Keepers (Revote)	3,850 00		
Rideau Canal—			
Increase of Water Supply (Revote $10,000 00)	12,000 00		
Carillon and Grenville Canal and St. Ann's Lock	150,000 00		
(Probable Cost $250,000 00.)			
Miscellaneous Works, chargeable to Construction (Revote $11,000 00)	15,150 00		
		344,000 00	
HARBORS AND PIERS.			
Lakes Erie and Huron	100,000 00		
Mabou Harbor	5,000 00		
Coteau du Lac Pier	4,000 00		
Piers below Quebec	2,500 00		
(Revote $25,000 00.)		111,500 00	
LIGHT HOUSES.			
Protection to Little Hope Light House, N. S		15,000 00	
PUBLIC BUILDINGS.			
Ottawa Parliament and Departmental Buildings (Revote)	63,000 00		
do do Buildings, Library (Estimate $145,000 00)	100,000 00		
Montreal Custom House	200,000 00		
St. John's, N.B. do	75,000 00		
London do (Estimate $50,000 00)	25,000 00		
Toronto Examining Warehouse	10,000 00		
do Immigrant Sheds	10,000 00		
Halifax Quarantine Station (Revote $10,000 00)	14,000 00		
Post Offices: Toronto, Quebec, and London	155,000 00		
		652,000 00	
Total chargeable to capital			7,186,700 00
Carried forward			8,303,773 16

SCHEDULE

SCHEDULE B.—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward			8,303,773 16
PUBLIC WORKS AND BUILDINGS.			
(*Chargeable to income.*)			
Slides and Booms.			
Slides and Booms, and Works necessary to facilitate the descent of Timber		15,000 00	
Improvement of Rivers.			
River Thames	2,400 00		
Miscellaneous	2,600 00		
		5,000 00	
Roads and Bridges.			
Road between Ste. Anne des Monts and Fox River, as a final vote.	10,000 00		
Miscellaneous	5,000 00		
		15,000 00	
Surveys and Inspection		20,000 00	
Arbitrations and Awards		10,000 00	
Miscellaneous Works not otherwise provided for		10,000 00	
Rents, Repairs, Furniture	45,000 00		
Heating Public Buildings, Ottawa	32,000 00		
		77,000 00	
Public Buildings generally (Revote)		20,000 00	
Richibucto Harbour (2 years)		4,000 00	
Amherst Harbour and House Harbour, Magdalen Islands		4,000 00	
Bathurst Harbour		2,000 00	
For 2 Steam Dredges		40,000 00	
Total chargeable to income			222,000 00
RAILWAY SUBSIDIES, CHARGEABLE TO PROVINCES.			
Windsor and Annapolis Railway, Nova Scotia		31,600 00	
Western Extension, New Brunswick		70,000 00	
Eastern Extension, do		12,500 00	
Fredericton Branch, do		7,500 00	
Total			121,600 00
OCEAN AND RIVER STEAM AND PACKET SERVICE.			
DOMINION STEAMERS.			
Maintenance of Steamers, Quebec		53,700 00	
SUBSIDIES.			
Moiety payable to Inman Line between Halifax and Cork		39,541 00	
Steam Communication between Quebec and Maritime Provinces		15,000 00	
Steam Communication between Prince Edward Island and the Ports of the Dominion		1,600 00	
Packet Communication between Pictou and the Magdalen Islands		400 00	
Steam Communication between New Brunswick and Prince Edward Island		1,000 00	
Carried forward		111,241 00	8,647.373 16

SCHEDULE

SCHEDULE B.—*Continued*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward		111,241 00	8,647,373 16
OCEAN AND RIVER STEAM PACKET SERVICE.—*Continued.*			
TUG SERVICE, UPPER ST. LAWRENCE.			
Between Montreal and Kingston		12,000 00	
Total			123,241 00
PENITENTIARIES.			
Penitentiary, Kingston, Ontario		112,831 00	
Rockwood Asylum, Kingston, Ontario		68,784 12	
Penitentiary, Halifax, N. S.		13,251 00	
do St. John, N. B		50,116 00	
Directors of Penitentiaries		9,000 00	
Kingston Buildings, &c.			
Timber for Cribwork on water front and to raise new Wharf	913 92		
Penal Prison and Wardens' House	1,500 00		
Steam Boiler for heating water and Steam Cooking Range	2,110 00		
		4,523 92	
Total			258,506 04
MILITIA.			
Ordinary Services.			
Salaries of Military Branch and District Staff		29,140 00	
do Brigade Majors		25,000 00	
Allowances for Drill Instruction, to extend to the 1st November, 1871; it being impossible to get in all the claims under this head, before the expiration of the financial year		45,000 00	
Military Schools, including the pay of the Superintendent and his Clerk		80,000 00	
Ammunition		54,000 00	
Clothing		100,000 00	
Military Stores and Storage		50,000 00	
Public Armories and care of Arms, including the pay of storekeepers and caretakers, storemen, and the rent, fuel and light of Public Armories, to extend to the 1st November, 1871; it being impossible to get in all the claims under this head before the expiration of the financial year		53,000 00	
Drill pay and camp purposes, and all other incidental expenses connected with the Drill and Training of the Militia, to extend to the 1st November, 1871; it being impossible to get in all the claims under this head before the expiration of the financial year		426,000 00	
Contingencies and general service not otherwise provided for including assistance to Rifle Associations and Bands of efficient Corps		60,000 00	
Targets		5,000 00	
Drill Sheds and Rifle Ranges		25,000 00	
Carried forward		952,140 00	9,029,120 20

SCHEDULE B.—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward		952,140 00	9,029,120 20
MILITIA.—*Continued.*			
Extraordinary.			
Enrolment		45,000 00	
Barrack accommodation		25,000 00	
Military Survey		2,607 00	
To meet the expense of any damage to arms		5,000 00	
Gunboats		15,000 00	
Care of properties transferred from the Ordnance		2,500 00	
For improved fire arms (Henry-Martini and Snider Rifles)		40,000 00	
To meet the expense of Artillery, Guns, &c		2,000 00	
Total			1,089,247 00
LIGHT HOUSES AND COAST SERVICE.			
QUEBEC.			
Salaries of Light House Keepers, &c	12,097 00		
Maintenance of Light Houses, &c	17,147 00		
Construction of Light Houses, Fog Trumpets, &c	104,000 00		
Maintenance of New Light Houses for part of season	3,200 00		
		136,444 00	
BETWEEN QUEBEC AND MONTREAL.			
Salaries of Light House Keepers	3,825 00		
Maintenance, &c., of Light Houses	6,825 00		
Steamer "Richelieu"	4,200 00		
		14,850 00	
TRINITY HOUSE, QUEBEC.			
Salaries and Contingencies	7,488 00		
To provide for rent of Trinity House, Quebec, and expenses connected with re-organization of the Department, and construction of Light at Saguenay	5,000 00		
		12,488 00	
TRINITY HOUSE, MONTREAL.			
Salaries and contingencies		7,614 00	
REMOVAL OF WRECKS.			
Wreck of the "Glanmore"		2,000 00	
LIGHT HOUSES, ETC., ABOVE MONTREAL.			
Salaries and allowances	22,884 00		
Maintenance	21,720 00		
Construction	9,900 00		
		54,504 00	
Carried forward		227,900 00	10,118,367 20

SCHEDULE B.—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward		227,900 00	10,118,367 20
LIGHT HOUSES AND COAST SERVICE.—*Continued.*			
NOVA SCOTIA.			
Salaries and allowances	27,446 00		
Maintenance, &c	36,918 00		
Construction	11,000 00		
Protection of Bird Island Light House	300 00		
		75,664 00	
NEW BRUNSWICK.			
Salaries and allowances	11,427 00		
Maintenance, &c.	11,325 00		
Construction	3,200 00		
Buoys and Beacons	4,610 00		
		30,562 00	
Sable and Seal Islands Humane Establishments		8,000 00	
Cape Race Light		1,000 00	
Total			343,126 00
FISHERIES.			
Maintenance and repairs of Schooner "La Canadienne"		9,000 00	
Salaries and disbursements of Fishery Overseers and Wardens:—			
Ontario	5,500 00		
Quebec	7,000 00		
New Brunswick	6,000 00		
Nova Scotia	6,000 00		
		24,500 00	
Fishways and Oyster Beds and for Fish Breeding		9,000 00	
Additional for the protection of the Fisheries (Marine Police)		57,708 00	
Total			100,208 00
CULLING TIMBER.			
Salaries and Contingent Expenses of the Cullers' Offices			69,990 00
STEAMBOAT INSPECTION.			
Salaries and expenses			8,321 00
INDIANS.			
Annual Grant to Indians, Quebec		400 00	
do Nova Scotia		2,300 00	
do New Brunswick		2,200 00	
To purchase Blankets for aged and infirm Indians, Ontario and Quebec		1,100 00	
Total			6,000 00
Carried forward			10,646,012 20

SCHEDULE B.—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward		10,646,012 20
MISCELLANEOUS.		
Printing "Canada Gazette"	4,500 00	
Postages of do	1,200 00	
Unforeseen expenses (expenditure thereof to be under Order in Council, and confined to payments connected with the service of the year, and a detailed account thereof to be laid before Parliament, during the first 15 days of the then next Session)	75,000 00	
Shipping Master's Office, Quebec	1,200 00	
Expenses connected with ascertaining correct time at Ottawa and firing of noon gun	400 00	
Code of signals and flags for the Dominion Government	600 00	
Expenses of investigations relating to wrecks	2,000 00	
Commutation in lieu of remission of duties on articles imported for the use of the army and navy, to be apportioned by Order in Council	50,000 00	
To provide for examination and classification of Masters and Mates (Mercantile Marine)	6,000 00	
To provide for Secret Service	75,000 00	
Departmental Printing	5,000 00	
Total		220,900 00
COLLECTION OF REVENUES.		
CUSTOMS.		
Salaries and contingent expenses of the several ports, viz.:—		
In the Province of Quebec	169,544 00	
do Ontario	164,722 00	
do Nova Scotia	88,507 00	
do New Brunswick	61,058 00	
Salaries and contingent expenses of Inspectors of Ports	10,000 00	
Contingencies of Head Office, covering printing, stationery, advertising, &c., at the several ports of entry	15,000 00	
Total		508,831 00
INLAND REVENUE.		
Salaries of Outside Officers and Inspectors of Excise	104,100 00	
Travelling expenses, rent, fuel, stationery, postage, furniture, &c.	28,100 00	
Preventive Service	3,000 00	
To provide for additions to the Outside Service of the Excise Department	5,600 00	
Total		140,800 00
POST OFFICE.		
Ontario and Quebec Mail Services.		
Grand Trunk Railway ... 167,000 00		
Great Western Railway ... 45,000 00		
Other Railways ... 40,000 00		
Steamboat Service ... 40,000 00		
Ocean Mail Service ... 10,000 00		
Carried forward ... 302,000 00		11,516,543 20

SCHEDULE

SCHEDULE B.—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward	$302,000 00	....	11,516,543 20
POST OFFICE.—*Continued.*			
Ontario and Quebec Mail Services.—*Continued.*			
Military and Naval Postage refunds	6,000 00		
Salaries of Outside Services: Inspectors, Railway Clerks, &c	100,000 00		
Payments for ordinary Mail Contract Service	215,000 00		
Miscellaneous	30,000 00		
		653,000 00	
Nova Scotia Mail Services		85,000 00	
New Brunswick Mail Services		80,000 00	
Increase in ordinary Mail Service		6,000 00	
To meet expenditure on account of Money Order Branch		4,000 00	
Total		....	828,000 00
PUBLIC WORKS.			
Public Works, Ontario and Quebec.			
Ordinary Repairs	185,000 00		
Maintenance, Salaries of Staff, &c	155,000 00		
Welland Canal.			
Repairs to Port Maitland Terminus	15,000 00		
Excavations at Port Dalhousie	10,000 00		
Cornwall Canal.			
Renewing Superstructure of Piers	6 900 00		
Rebuilding Superintendent's House	4,000 00		
Rideau Canal.			
Renewing and enlarging Bulk-Heads	10,500 00		
		386,400 00	
Nova Scotia Railways.			
Working Expenses	284,000 00		
Relaying of Track, &c	28,750 00		
Renewal of Cars	7,250 00		
		320,000 00	
European and North American Railway and Eastern Extension, Working Expenses		167,500 00	
Salaries and Contingencies of Canal Officers		27,530 00	
Collection of Slide and Boom Dues		12,172 00	
Total		....	913,602 00
MINOR REVENUES		....	10,000 00
Total		....	13,268,145 20

CAP. III.

An Act to amend and continue the Act 32 and 33 Victoria, chapter 3; and to establish and provide for the Government of the Province of Manitoba.

[*Assented to 12th May*, 1870.]

Preamble.

WHEREAS it is probable that Her Majesty The Queen may, pursuant to the British North America Act, 1867, be pleased to admit Rupert's Land and the North-Western Territory into the Union or Dominion of Canada, before the next Session of the Parliament of Canada:

And Whereas it is expedient to prepare for the transfer of the said Territories to the Government of Canada at the time appointed by the Queen for such admission:

And Whereas it is expedient also to provide for the organization of part of the said Territories as a Province, and for the establishment of a Government therefor, and to make provision for the Civil Government of the remaining part of the said Territories, not included within the limits of the Province:

Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Province to be formed out of N. W. territory when united to Canada.

Its name and boundaries.

1. On, from and after the day upon which the Queen, by and with the advice and consent of Her Majesty's Most Honorable Privy Council, under the authority of the 146th Section of the British North America Act, 1867, shall, by Order in Council in that behalf, admit Rupert's Land and the North-Western Territory into the Union or Dominion of Canada, there shall be formed out of the same a Province, which shall be one of the Provinces of the Dominion of Canada, and which shall be called the Province of Manitoba, and be bounded as follows: that is to say, commencing at the point where the meridian of ninety-six degrees west longitude from Greenwich intersects the parallel of forty-nine degrees north latitude,—thence due west along the said parallel of forty-nine degrees north latitude (which forms a portion of the boundary line between the United States of America and the said North-Western Territory) to the meridian of ninety-nine degrees of west longitude,—thence due north along the said meridian of ninety-nine degrees west longitude, to the intersection of the same with the parallel of fifty degrees and thirty minutes north latitude,—thence due east along the said parallel of fifty degrees and thirty minutes north latitude to its intersection with the before-mentioned meridian of ninety-six degrees west longitude,—thence due south along the said meridian of ninety-six degrees west longitude to the place of beginning.

2.

2. On, from and after the said day on which the Order of the Queen in Council shall take effect as aforesaid, the provisions of the British North America Act, 1867, shall, except those parts thereof which are in terms made, or, by reasonable intendment, may be held to be specially applicable to, or only to affect one or more, but not the whole of the Provinces now composing the Dominion, and except so far as the same may be varied by this Act, be applicable to the Province of Manitoba, in the same way, and to the like extent as they apply to the several Provinces of Canada, and as if the Province of Manitoba had been one of the Provinces originally united by the said Act. **Certain provisions of B. N. A. Act, 1867, to apply to Manitoba.**

3. The said Province shall be represented in the Senate of Canada by two Members, until it shall have, according to decennial census, a population of fifty thousand souls, and from thenceforth it shall be represented therein by three Members, until it shall have, according to decennial census, a population of seventy-five thousand souls, and from thenceforth it shall be represented therein by four Members. **Representation in the Senate.**

4. The said Province shall be represented, in the first instance, in the House of Commons of Canada, by four Members, and for that purpose shall be divided by proclamation of the Governor General, into four Electoral Districts, each of which shall be represented by one Member: Provided that on the completion of the census in the year 1881, and of each decennial census afterwards, the representation of the said Province shall be re-adjusted according to the provisions of the fifty-first section of the British North America Act, 1867. **Representation in the House of Commons.**

5. Until the Parliament of Canada otherwise provides, the qualification of voters at Elections of Members of the House of Commons shall be the same as for the Legislative Assembly hereinafter mentioned: And no person shall be qualified to be elected, or to sit and vote as a Member for any Electoral District, unless he is a duly qualified voter within the said Province. **Qualification of voters and members.**

6. For the said Province there shall be an officer styled the Lieutenant-Governor, appointed by the Governor General in Council, by instrument under the Great Seal of Canada. **Lieutenant-Governor.**

7. The Executive Council of the Province shall be composed of such persons, and under such designations, as the Lieutenant-Governor shall, from time to time, think fit; and, in the first instance, of not more than five persons. **Executive Council.**

8. Unless and until the Executive Government of the Province otherwise directs, the seat of Government of the same shall be at Fort Garry, or within one mile thereof. **Seat of Government.**

9. There shall be a Legislature for the Province, consisting of the Lieutenant-Governor, and of two Houses, styled respectively, the **Legislature.**

the Legislative Council of Manitoba, and the Legislative Assembly of Manitoba.

Legislative Council.

10. The Legislative Council shall, in the first instance, be composed of seven Members, and after the expiration of four years from the time of the first appointment of such seven Members, may be increased to not more than twelve Members. Every Member of the Legislative Council shall be appointed by the Lieutenant-Governor in the Queen's name, by Instrument under the Great Seal of Manitoba, and shall hold office for the term of his life, unless and until the Legislature of Manitoba otherwise provides under the British North America Act, 1867.

Members and their appointment, &c.

Speaker.

11. The Lieutenant-Governor may, from time to time, by Instrument under the Great Seal, appoint a Member of the Legislative Council to be Speaker thereof, and may remove him and appoint another in his stead.

Quorum.

12. Until the Legislature of the Province otherwise provides, the presence of a majority of the whole number of the Legislative Council, including the Speaker, shall be necessary to constitute a meeting for the exercise of its powers.

Voting.

Equality of votes.

13. Questions arising in the Legislative Council shall be decided by a majority of voices, and the Speaker shall, in all cases, have a vote, and when the voices are equal the decision shall be deemed to be in the negative.

Legislative Assembly.

14. The Legislative Assembly shall be composed of twenty-four Members, to be elected to represent the Electoral Divisions into which the said Province may be divided by the Lieutenant-Governor, as hereinafter mentioned.

Quorum.

15. The presence of a majority of the Members of the Legislative Assembly shall be necessary to constitute a meeting of the House for the exercise of its powers; and for that purpose the Speaker shall be reckoned as a Member.

Electoral Divisions.

16. The Lieutenant-Governor shall (within six months of the date of the Order of Her Majesty in Council, admitting Rupert's Land and the North-Western Territory into the Union), by Proclamation under the Great Seal, divide the said Province into twenty-four Electoral Divisions, due regard being had to existing Local Divisions and population.

Qualification of voters.

17. Every male person shall be entitled to vote for a Member to serve in the Legislative Assembly for any Electoral Division, who is qualified as follows, that is to say, if he is :—

1. Of the full age of twenty-one years, and not subject to any legal incapacity:

2.

2. A subject of Her Majesty by birth or naturalization:

3. And a *bonâ fide* householder within the Electoral Division, at the date of the Writ of Election for the same, and has been a *bonâ fide* householder for one year next before the said date; or,

4. If, being of the full age of twenty-one years, and not subject to any legal incapacity, and a subject of Her Majesty by birth or naturalization, he was, at any time within twelve months prior to the passing of this Act, and (though in the interim temporarily absent) is at the time of such election a *bonâ fide* householder, and was resident within the Electoral Division at the date of the Writ of Election for the same: **Special,—for first election only.**

But this fourth sub-section shall apply only to the first election to be held under this Act for Members to serve in the Legislative Assembly aforesaid. **Proviso.**

18. For the first election of Members to serve in the Legislative Assembly, and until the Legislature of the Province otherwise provides, the Lieutenant-Governor shall cause writs to be issued, by such person, in such form, and addressed to such Returning Officers as he thinks fit; and for such first election, and until the Legislature of the Province otherwise provides, the Lieutenant-Governor shall, by Proclamation, prescribe and declare the oaths to be taken by voters, the powers and duties of Returning and Deputy Returning Officers, the proceedings to be observed at such election, and the period during which such election may be continued, and such other provisions in respect to such first election as he may think fit. **Proceedings at first election, &c.,—how regulated.**

19. Every Legislative Assembly shall continue for four years from the date of the return of the writs for returning the same (subject nevertheless to being sooner dissolved by the Lieutenant-Governor), and no longer; and the first Session thereof shall be called at such time as the Lieutenant-Governor shall appoint. **Duration of Legislative Assembly.**

20. There shall be a Session of the Legislature once at least in every year, so that twelve months shall not intervene between the last sitting of the Legislature in one Session and its first sitting in the next Session. **Sessions at least once a year.**

21. The following provisions of the British North America Act, 1867, respecting the House of Commons of Canada, shall extend and apply to the Legislative Assembly, that is to say:—Provisions relating to the election of a Speaker, originally, and on vacancies,—the duties of the Speaker,—the absence of the Speaker and the mode of voting, as if those provisions were here re-enacted and made applicable in terms to the Legislative Assembly. **Certain provisions of B. N. A. Act, 1867, to apply.**

22. In and for the Province, the said Legislature may exclusively make Laws in relation to Education, subject and according to the following provisions:— **Legislation touching schools subject to certain provisions.**

(1.)

(1.) Nothing in any such Law shall prejudicially affect any right or privilege with respect to Denominational Schools which any class of persons have by Law or practice in the Province at the Union:—

(2.) An appeal shall lie to the Governor General in Council from any Act or decision of the Legislature of the Province, or of any Provincial Authority, affecting any right or privilege of the Protestant or Roman Catholic minority of the Queen's subjects in relation to Education:

Power reserved to Parliament.

(3.) In case any such Provincial Law, as from time to time seems to the Governor General in Council requisite for the due execution of the provisions of this section, is not made, or in case any decision of the Governor General in Council on any appeal under this section is not duly executed by the proper Provincial Authority in that behalf, then, and in every such case, and as far only as the circumstances of each case require, the Parliament of Canada may make remedial Laws for the due execution of the provisions of this section, and of any decision of the Governor General in Council under this section.

English and French languages to be used.

23. Either the English or the French language may be used by any person in the debates of the Houses of the Legislature, and both those languages shall be used in the respective Records and Journals of those Houses; and either of those languages may be used by any person, or in any Pleading or Process, in or issuing from any Court of Canada established under the British North America Act, 1867, or in or from all or any of the Courts of the Province. The Acts of the Legislature shall be printed and published in both those languages.

Interest allowed to the Province on a certain amount of the debt of Canada.

24. Inasmuch as the Province is not in debt, the said Province shall be entitled to be paid, and to receive from the Government of Canada, by half-yearly payments in advance, interest at the rate of five per centum per annum on the sum of four hundred and seventy-two thousand and ninety dollars.

Subsidy to the Province for support of Government, and in proportion to its population.

25. The sum of thirty thousand dollars shall be paid yearly by Canada to the Province, for the support of its Government and Legislature, and an annual grant, in aid of the said Province, shall be made, equal to eighty cents per head of the population, estimated at seventeen thousand souls; and such grant of eighty cents per head shall be augmented in proportion to the increase of population, as may be shown by the census that shall be taken thereof in the year one thousand eight hundred and eighty-one, and by each subsequent decennial census, until its population amounts to four hundred thousand souls, at which amount such grant shall remain thereafter, and such sum shall be in full settlement of all future demands on Canada, and shall be paid half-yearly, in advance, to the said Province.

26. Canada will assume and defray the charges for the following services:— **Canada assumes certain expenses.**

1. Salary of the Lieutenant-Governor.

2. Salaries and allowances of the Judges of the Superior and District or County Courts.

3. Charges in respect of the Department of the Customs.

4. Postal Department.

5. Protection of Fisheries.

6. Militia.

7. Geological Survey.

8. The Penitentiary.

9. And such further charges as may be incident to, and connected with the services which, by the British North America Act, 1867, appertain to the General Government, and as are or may be allowed to the other Provinces. **General provision.**

27. The Customs duties now by Law chargeable in Rupert's Land, shall be continued without increase for the period of three years from and after the passing of this Act, and the proceeds of such duties shall form part of the Consolidated Revenue Fund of Canada. **Customs duties.**

28. Such provisions of the Customs Laws of Canada (other than such as prescribe the rate of duties payable) as may be from time to time declared by the Governor General in Council to apply to the Province of Manitoba, shall be applicable thereto, and in force therein accordingly. **Customs laws.**

29. Such provisions of the Laws of Canada respecting the Inland Revenue, including those fixing the amount of duties, as may be from time to time declared by the Governor General in Council applicable to the said Province, shall apply thereto, and be in force therein accordingly. **Inland Revenue laws and duties.**

30. All ungranted or waste lands in the Province shall be, from and after the date of the said transfer, vested in the Crown, and administered by the Government of Canada for the purposes of the Dominion, subject to, and except and so far as the same may be affected by, the conditions and stipulations contained in the agreement for the surrender of Rupert's Land by the Hudson's Bay Company to Her Majesty. **Ungranted lands vested in the Crown for Dominion purposes.**

31 And whereas, it is expedient, towards the extinguishment of **Provisions as to Indian title.**

Grant for half-breeds.

of the Indian Title to the lands in the Province, to appropriate a portion of such ungranted lands, to the extent of one million four hundred thousand acres thereof, for the benefit of the families of the half-breed residents, it is hereby enacted, that, under regulations to be from time to time made by the Governor General in Council, the Lieutenant-Governor shall select such lots or tracts in such parts of the Province as he may deem expedient, to the extent aforesaid, and divide the same among the children of the half-breed heads of families residing in the Province at the time of the said transfer to Canada, and the same shall be granted to the said children respectively, in such mode and on such conditions as to settlement and otherwise, as the Governor General in Council may from time to time determine.

Quieting titles.

32. For the quieting of titles, and assuring to the settlers in the Province the peaceable possession of the lands now held by them, it is enacted as follows:—

Grants by H. B. Company.

1. All grants of land in freehold made by the Hudson's Bay Company up to the eighth day of March, in the year 1869, shall, if required by the owner, be confirmed by grant from the Crown.

The same.

2. All grants of estates less then freehold in land made by the Hudson's Bay Company up to the eighth day of March aforesaid, shall, if required by the owner, be converted into an estate in freehold by grant from the Crown.

Titles being occupancy with permission;

3. All titles by occupancy with the sanction and under the license and authority of the Hudson's Bay Company up to the eighth day of March aforesaid, of land in that part of the Province in which the Indian Title has been extinguished, shall, if required by the owner, be converted into an estate in freehold by grant from the Crown.

By peaceable possession.

4. All persons in peaceable possession of tracts of land at the time of the transfer to Canada, in those parts of the Province in which the Indian Title has not been extinguished, shall have the right of pre-emption of the same, on such terms and conditions as may be determined by the Governor in Council.

Lieut.-Governor to make provisions under Order in Council.

5. The Lieutenant-Governor is hereby authorized, under regulations to be made from time to time by the Governor General in Council, to make all such provisions for ascertaining and adjusting, on fair and equitable terms, the rights of Common, and rights of cutting Hay held and enjoyed by the settlers in the Province, and for the commutation of the same by grants of land from the Crown.

Governor in Council to appoint form, &c., of grants.

33. The Governor General in Council shall from time to time settle and appoint the mode and form of Grants of Land from the Crown, and any Order in Council for that purpose when published in the *Canada Gazette*, shall have the same force and effect as if it were a portion of this Act.

34.

34. Nothing in this Act shall in any way prejudice or affect the rights or properties of the Hudson's Bay Company, as contained in the conditions under which that Company surrendered Rupert's Land to Her Majesty. Rights of H. B. Company not affected.

35. And with respect to such portion of Rupert's Land and the North-Western Territory, as is not included in the Province of Manitoba, it is hereby enacted, that the Lieutenant-Governor of the said Province shall be appointed, by Commission under the Great Seal of Canada, to be the Lieutenant-Governor of the same, under the name of the North-West Territories, and subject to the provisions of the Act in the next section mentioned. Lieut.-Governor to govern N. W. Territory for Canada.

36. Except as hereinbefore is enacted and provided, the Act of the Parliament of Canada, passed in the now last Session thereof, and entitled, "An Act for the Temporary Government of Rupert's Land, and the North-Western Territory when united with Canada," is hereby re-enacted, extended and continued in force until the first day of January, 1871, and until the end of the Session of Parliament then next succeeding. Act 32 and 33 V., c. 3, extended and continued.

CAP. IV.

An Act for better ensuring the efficiency of the Civil Service of Canada, by providing for the Superannuation of persons employed therein, in certain cases.

[*Assented to 12th May,* 1870.]

WHEREAS, for better ensuring efficiency and economy in the Civil Service of Canada, it is expedient to provide for the retirement therefrom, on equitable terms, of persons, who, from age or infirmity cannot properly perform the duties assigned to them; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

1. The Governor in Council may grant to any person having served in an established capacity in the Civil Service for ten years or upwards, and having attained the age of sixty years, or being incapacitated by bodily infirmity from properly performing his duties, a superannuation allowance calculated on his average yearly salary during the then last three years, and not exceeding the following rates, that is to say:—If he has served for ten years, but less than eleven years, an annual allowance of ten-fiftieths of such average salary, and if for eleven years and under twelve years an annual allowance of eleven-fiftieths thereof, and in like manner a further addition of one fiftieth of such average salary for each additional year of service up to thirty-five years, when an annual allowance Conditions and rates of superannuation allowances.

allowance of thirty-five fiftieths may be granted, but no addition shall be made for any service beyond thirty-five years; If the service has not been continuous, the period or periods during which such service has been interrupted shall not be counted, and the Order in Council made in such case shall be laid before Parliament at its then or then next Session.

If the service has not been continuous.

Persons entering the service after the usual time as having peculiar or professional qualifications.

2. The Governor in Council may, in the case of any person who entered the Civil Service after the age of forty years, as being possessed of some peculiar professional or other qualifications or attainments required for the office to which he was appointed, and not ordinarily to be acquired in the public service, add to the actual number of years service of such person, such further number not exceeding ten, as may be considered equitable, for reasons stated in the Order in Council made in the case; and such additional number of years shall be taken as part of the term of service on which the superannuation allowance of such person shall be computed, the Order in Council in any such case being laid before Parliament, at its then or then next Session.

Abatement on salaries towards making good such allowances.

3. Towards making good the superannuation allowances hereinbefore mentioned, an abatement shall be made from the salary of each person in the Civil Service to whom this Act will apply, at the rate of four per cent. per annum on such salary, if it be six hundred dollars or upwards, and of two-and-a-half per cent. per annum thereon, if it be less than Six hundred dollars, and the sum so deducted shall form part of the Consolidated Revenue Fund; but such abatement shall be made only during the first thirty-five years of service.

Diminution of allowance to persons who have not paid the abatement during less than ten years. Exception.

4. The full superannuation allowance aforesaid shall only be granted to persons who have been subject to the said abatement during ten years or upwards; the superannuation allowance of any person who has not paid it, or has paid it for a less period, being subject to a diminution of one twentieth for every year less than ten during which he has not paid it, except that, in the case of any person retiring within three years after the passing of this Act, such diminution shall not exceed twenty per cent. of the allowance which might otherwise be granted to him, with power to the Governor in Council to reduce it to any amount not less than ten per cent.

Effect of offer of allowance. Conditions on which granted, &c. Right of removal reserved.

5. Retirement shall be compulsory on any person to whom the superannuation allowance hereinbefore mentioned shall be offered, and such offer shall not be considered as implying any censure upon the person to whom it is made; nor shall any person be considered as having any absolute right to such allowance, but it shall be granted only in consideration of good and faithful service during the time upon which it is calculated, and nothing herein contained shall be understood as impairing or affecting the right of the Governor to dismiss or remove any person from the Civil Service.

6.

6. If any person to whom the foregoing enactments apply, is constrained from any infirmity of mind or body to quit the Civil Service before the period at which a superannuation allowance might be granted him, the Governor in Council may allow him a gratuity not exceeding one month's pay for each year of his service; and if any such person is so constrained to quit the service before such period, by reason of severe bodily injury received without his own fault in the discharge of his public duty, the Governor in Council may allow him a gratuity not exceeding three months pay for every two years service, or a superannuation allowance not exceeding one-fifth of his average salary during the then last three years.

Gratuity to persons leaving the service before they can have a retiring allowance.

7. If any person to whom the foregoing enactments apply, is removed from office in consequence of the abolition thereof, in order to the improvement of the organization of the department to which he belongs, or otherwise to promote efficiency or economy in the Civil Service, the Governor in Council may grant him such gratuity or superannuation allowance, as will fairly compensate him for his loss of office, not exceeding such as he would have been entitled to if he had retired in consequence of permanent infirmity of body or mind, after adding ten years to his actual term of service.

Provision for persons removed by reason of abolition of office, &c.

8. Any person receiving a superannuation allowance, and being under the age of sixty years, and not disabled by bodily or mental infirmity shall be liable to be called upon to fill, in any part of Canada, any public office or situation for which his previous services render him eligible, and not lower in rank or emolument than that from which he retired; and, if he refuse or neglect so to do, he shall forfeit his said allowance.

Persons under 60, and receiving allowance, may be called upon to serve again.

9. The foregoing enactments shall apply to officers, clerks, and other persons employed in any of the departments mentioned in the Canada Civil Service Act, 1868, and as well to persons employed at the seat of Government as in the outside service of the said departments, and to the permanent officers and servants of the Senate and House of Commons; who, for the purposes of this Act shall be held to be in the Civil Service of Canada, saving always all legal rights and privileges of either House, as respects the appointment or removal of its officers and servants, or any of them; and service in an established capacity in any of the public departments of the Government or offices of the Legislature of any of the Provinces now included in the Dominion of Canada, before the coming in force of the British North America Act, 1867, by any person who has thereafter entered the Civil Service of Canada, shall be reckoned in computing his period of service for the purposes of this Act: and, in any case of doubt, the Governor in Council may, by general or special regulation, determine to what persons the provisions of this Act, do or do not apply, and the conditions on which, and the manner in which, they shall apply in any case or class of cases.

To whom this Act shall apply.

Power of Governor in Council in that behalf.

Allowances, &c., how payable.

10. The allowances and gratuities granted under this Act, shall be payable out of the Consolidated Revenue Fund of Canada.

Yearly return to Parliament.

11. A statement of all allowances and gratuities granted under this Act, and of all monies paid for the same, shall be laid before Parliament within the first fifteen days of the Session thereof next after such grant or payment.

CAP. V.

An Act to amend "An Act respecting the security to be given by Officers of Canada."

[*Assented to 12th May*, 1870.]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

First part of section 3 of 31 Vict., c. 37 amended.

1. The first part of the third section of an Act made and passed by the Parliament of Canada in the thirty-first year of Her Majesty's reign, chaptered thirty-seven, and intituled, "An Act respecting the security to be given by Officers of Canada," is hereby repealed, and the following section is enacted in lieu thereof, and shall be taken and read as the first part of the third section of the said Act:—

Bonds how attested and where recorded, &c.

"**3**. Every surety in any such Bond shall make the affidavit in the Form A hereunto annexed, or to the effect thereof, before a Justice of the Peace, and every such Bond or Security shall be proved as to the due execution and delivery of the same, by an affidavit of the attesting witness, made before a Justice of the Peace, and every such Bond or Security, with the several affidavits thereunto annexed, shall be recorded at full length in the Department of the Secretary of State of Canada in the manner hereinafter mentioned; and the original Bond or Security, and the affidavits thereunto annexed, shall forthwith, after such registration, be deposited in the Department of the Minister of Finance."

CAP. VI.

An Act to amend the Act respecting the Office of Queen's Printer.

[*Assented to 12th May*, 1870.]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1.

1. The Queen's Printer shall be an Officer of the Department of the Secretary of State of Canada, and shall have and perform such duties as now are, or may be hereafter assigned to him by law, or by order of the Governor in Council, or by the Secretary of State, under the supervision and direction of the Secretary of State. **The Queen's Printer to be an Officer of the Department of the Secretary of State of Canada.**

2. This Act shall be construed as one Act with the Act thirty-second and thirty-third Victoria, chapter seven. **How this Act shall be construed.**

CAP. VII.

An Act to amend the Law respecting the Department of Finance.

[*Assented to 12th May,* 1870,]

HER MAJESTY, by and with the advice and consent of the Senate and House of Commons, enacts as follows:— **Preamble.**

1. The office of Deputy Inspector General is hereby abolished, and so much of The Canada Civil Service Act, 1868, or of the Act respecting the Department of Finance, as provides for the appointment of any such officer, or assigns any power or duty to him, is hereby repealed; and the Auditor General shall be the Deputy Minister of Finance and the Deputy Head of the Department: Provided that the present incumbent of the office of Deputy Inspector General shall retain his title of office and rank, so long as he remains an officer of the Department. **Office of Deputy Inspector-General abolished.** **Proviso.**

CAP. VIII.

An Act to explain and amend the Act respecting the Collection and Management of the Revenue, the Auditing of Public Accounts, and the liability of Public Accountants.

[*Assented to 12th May,* 1870.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: **Preamble.**

1.

Section 49 repealed, and new section substituted.

1. The forty-ninth Section of the Act passed by the Parliament of Canada, in the thirty-first year of Her Majesty's Reign, chaptered 5, and intituled, "An Act respecting the collection and "management of the Revenue, the Auditing of Public Accounts, "and the liability of Public Accountants," is hereby repealed, and the following Section is enacted in lieu thereof, and shall be taken and read as the forty-ninth Section of the said Act, and as explanatory of the intention of the said Act:

Recital.

"**49**. And whereas it is expedient that the Executive Government should be empowered to relax the strictness of the laws relative to the collection of the Revenue, in cases where, without such relaxation, great public inconvenience, or great hardship and injustice to individuals, could not be avoided :—Therefore,

Governor in Council may remit duties, penalties, &c., in certain cases.

1. The Governor in Council, whenever he deems it right and conducive to the public good, may remit any duty or toll payable to Her Majesty, imposed and authorized to be imposed by any Act of the Parliament of Canada, or by any Act of the Legislature of the late Provinces of Canada, Nova Scotia or New Brunswick, in force in the Dominion of Canada, and relating to any matter within the scope of the powers of the Parliament thereof, or any forfeiture or pecuniary penalty imposed or authorized to be imposed by any such Act, for any contravention of the Laws relating to the collection of the Revenue, or to the management of any public work producing toll or revenue, although any part of such forfeiture or penalty be given by law to the informer or prosecutor, or to any other party. And such remission may be total or partial, conditional or unconditional, and may be granted either before or after, or pending any suit or proceeding for the recovery of any duty, toll, penalty, or forfeiture, and either before or after any payment thereof has been made or enforced by process or execution; and such remission may be exercised by forbearance from instituting any suit or proceeding for the recovery of any duty, toll, penalty, or forfeiture, or if the same have been already instituted, then by the delay, stay, or discontinuance of any such suit or proceeding, or by the forbearance to enforce, or by the stay or abandonment of any execution or process upon any judgment, or by the entry of satisfaction upon any judgment, or by the refund of any sum or sums of money paid to the Receiver-General for such duty, toll, penalty or forfeiture, or whereof payment has been enforced by any execution or process upon any judgment as aforesaid:

How such remission may be made.

Proviso.

Provided always, that no duties of customs or excise, which shall hereafter be paid to Her Majesty on any goods, shall be remitted or refunded on account of such goods having, after the payment of such duties, been lost or destroyed by fire or other unavoidable accident."

Effect of remission.

"2. If the remission be conditional, the condition, if accepted by the party to whom the remission is accorded, shall be lawful and valid, and the performance thereof, or the remission only, if unconditional,

unconditional, shall have the same effect as if the remission had been made after the duty, toll, penalty, or forfeiture had been sued for and recovered; and if the condition be not performed, it may be enforced, or all proceedings may be had, as if there had been no remission:"

"3. No remission shall be made in any case unless such case has been considered, and the remission, whether total or partial, conditional or unconditional, has been recommended by the Treasury Board, and sanctioned and ordered by the Governor in Council:" **Must be recommended by Treasury Board.**

"4. A detailed statement of all remissions and refunds of any tolls or duties shall be annually submitted to the several branches of the Parliament of Canada, within the first fifteen days of the next ensuing Session thereof." **Returns to Parliament.**

CAP. IX.

An Act to amend the Acts respecting Customs and Inland Revenue; and to make certain provisions respecting Vessels navigating the Inland Waters of Canada above Montreal.

[*Assented to* 12*th May*, 1870.]

WHEREAS it is expedient to amend the several Acts hereinafter mentioned respecting Customs and Inland Revenue, and to make certain provisions respecting vessels navigating the inland waters of Canada above Montreal: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— **Preamble.**

1. So much of Schedule A, annexed to the Act passed in the thirty-first year of Her Majesty's Reign, and intituled, "An Act to amend the Act of the present Session, intituled: '*An Act Imposing Duties of Customs, with the Tariff of Duties payable under it,*'" as imposes any specific duty of Customs on Animals, viz.: Horses, Horned Cattle, Swine and Sheep, is hereby repealed, and such animals, when imported into Canada, shall, as hereinafter provided, be charged with a Customs duty of ten per centum *ad valorem*, subject to the exception hereinafter made. **Duty on animals altered. 31 V., c. 44.**

2. So much of the said Schedule A, as imposes any specific duty of Customs on Cigars, or on Spirits and Strong Waters, is hereby repealed, and the specific duties imposed on the said articles by the next following section, shall be substituted for those imposed on them by the said Schedule A. **Duties on Cigars and Spirits altered.**

3. There shall be raised, levied, collected and paid, on the following articles when imported into Canada, or taken out of ware- **And on certain other articles.**

 house

house for consumption therein, the several duties of Customs set opposite to them respectively, that is to say :—

		$	cts.
Cigars	per lb.	0	45
Coal and Coke	per ton	0	50
Salt (except Salt imported from the United Kingdom or any British Possession, or imported for the use of the Sea or Gulf Fisheries, which shall be free of duty)	per bushel of 56 lbs.	0	5
Hops	per lb.	0	5
Vinegar and Acetic Acid	per gallon	0	10
Rice	per lb.	0	1
Wheat	per bushel	0	4
Peas and Beans, and Barley, Rye, Oats, Indian Corn, Buckwheat, and all other Grain except Wheat	per bushel	0	3
Flour of Wheat and Flour of Rye	per barrel	0	25
Indian Meal and Oatmeal, and Flour or Meal of any other Grain except Wheat and Rye,	per brl.	0	15

Spirits and Strong Waters, viz. :—

Spirits and strong waters.

Spirits and Strong Waters, not having been sweetened or mixed with any article so that the degree of strength thereof cannot be ascertained by Sykes' hydrometer, for every gallon of the strength of proof by such hydrometer, and so in proportion for any greater or less strength than the strength of proof, and for every greater or less quantity than a gallon, namely :—

		$	cts.
Brandy, Geneva, Alcohol, Rum, Gin, including Old Tom, Tafia, Whiskey. and unenumerated articles of like kind	per gallon	0	80

Other Spirits, being sweetened or mixed so that the degree of strength cannot be ascertained as aforesaid, namely :—

		$	cts.
Rum-Shrub, Cordials, Scheidam Schnapps, Bitters, and unenumerated articles of like kind,	per gallon	1	20
Cologne Water and Perfumed Spirits, not in flasks	per gallon	1	20
Cologne Water and Perfumed Spirits, when in flasks or bottles, thirty of such flasks or bottles not containing more than one gallon, for each flask or bottle		0	4
Unenumerated Spirits and Strong Waters,	per gallon	1	20

Spirits and Strong Waters imported into Canada, mixed with any ingredient or ingredients, and although thereby coming under the denomination of Proprietary Medicines, Tinctures, Essences, Extracts, or any other denomination, shall be nevertheless deemed "Spirits or Strong Waters," and subject to duty as such.

Fruits preserved in Brandy or other Spirits, per gallon $1 20.

4.

4. Schedule B, annexed to the said Act, is hereby amended by adding the following articles to the list of "GOODS PAYING TEN PER CENTUM AD VALOREM," viz.:— **Articles added to ten per cent. list.**

Animals of all kinds, except such as shall be imported for the improvement of Stock, which shall be admitted free of duty, under regulations to be made by the Treasury Board, and approved by the Governor in Council;

Green Fruits of all kinds, Hay, Straw, Bran, Seeds not classed as Cereals, Vegetables including Potatoes and other Roots, Plants, Trees, and Shrubs;

All which articles shall be charged with a duty of Customs of ten per centum, *ad valorem*, when imported into Canada or taken out of warehouse for consumption therein.

5. The said Schedule B is hereby further amended by striking out of the list of "GOODS PAYING FIVE PER CENTUM AD VALOREM," the article "Iron Wire," which shall be free of duty of Customs. **Five per cent. list amended.**

6. So much of the said Schedule B as imposes any duty of Customs on Tobacco, or on Wines, is hereby repealed; and the following articles, when imported into Canada, or taken out of warehouse for consumption therein, shall be respectively charged with the several duties of Customs hereinafter mentioned, that is to say:— **Schedule B amended. Tobacco and Wines.**

Tobacco (manufactured) and Snuff, twelve-and-a-half per centum *ad valorem*, and twenty cents per pound;

Wines of all kinds, including Ginger, Orange, Lemon, Gooseberry, Strawberry, Raspberry, Elder, and Currant Wines, twenty-five per centum *ad valorem*, and a specific duty of ten cents per gallon (five quart or ten pint bottles to be held to contain a gallon).

7. Schedule C, annexed to the said Act (being the list of Free Goods), is hereby amended by substituting for the word "Salt," under the head "NATURAL PRODUCTS," the words "Salt when imported from the United Kingdom or any British Possession, or imported for the use of the Sea or Gulf Fisheries;"—and— **Schedule C (Free Goods) amended.**

By adding, under the heading "MANUFACTURES AND PRODUCTS OF MANUFACTURES," Bookbinders' Mill-Boards and Binder's Cloth, Iron Wire and Brass in stripes, and Iron in blooms and billets (not puddled);—and—

By striking out of the said schedule, under the heading "DRUGS, DYE STUFFS, OILS AND COLORS, NOT ELSEWHERE SPECIFIED," the words "Colors and other articles, when imported by room-paper makers and stainers, to be used in their trade only, viz."

Schedule C further amended.

8. The said Schedule C is hereby further amended by striking out of the said schedule, under the heading "MANUFACTURES AND "PRODUCTS OF MANUFACTURES," the following articles, viz.:— "Fire Engines,—Steam—when imported by Municipal Corporations "of Cities, Towns and Villages, for the use of such Municipa ities;" and "Machinery when used in the original construction of Mills "or Factories,—not to include Steam Engines, Boilers, Water "Wheels or Turbines;" "Gold and Silver Leaf;" "Emery Paper "and Emery Cloth;" Sand Paper and Sand Cloth;" "Plater's "Leaf;" all which articles shall be included among unenumerated goods under the said Act, and when imported into Canada, or taken out of warehouse for consumption therein, shall be charged with a duty of Customs of fifteen per centum *ad valorem* under the said Schedule B.

Schedule C further amended.

9. The said Schedule C is hereby further amended by striking out of the said Schedule, under the heading "NATURAL PRODUCTS," the following articles, viz.:—Coal and Coke,—Flour, Wheat and Rye,—Grain of all kinds,—Hay,—Hops,—Indian Corn,—Indian Meal,—Plants,—Roots,—Seeds for Agricultural, Horticultural or Manufacturing purposes—Shrubs,—Trees,—and Vegetables, culinary,—all of which articles will become subject to the duties specially imposed on them by the preceding sections of this Act.

Section 8 repealed.

10. Section eight of the said Act (respecting packages), is hereby repealed, and the following section is substituted for it as section eight of the said Act:—

New Section. Value for duty; how to be determined.

"8. The value for duty of goods on which an *ad valorem* duty "of Customs is imposed, imported into Canada by sea, shall be "the actual value of such goods at the last place at which they "are purchased; and the value of such goods for duty, if imported "from the United States by land or inland navigation, shall be "the actual value of such goods at the last place at which they "are purchased for importation into Canada, and whence they are "directly conveyed, without change of package, to Canada; and "whatever be the country from which the goods are imported, or "in which they are purchased, such value shall be ascertained by "adding to the value of such goods at the place of growth, pro- "duction or manufacture, the cost of transportation, whether by "land or water, and of shipment and transhipment, with all ex- "penses included, from the place of growth, production or manu- "facture, to the place where the goods are purchased, and if they "are purchased in the United States, then to the place whence "they are directly conveyed to Canada as aforesaid,—and such "value shall include also the value of any box, case, sack, package, "or covering of any kind in which such goods are contained, and "all export duties on such goods, and all costs and charges in- "curred prior to their purchase:" And so much (if any) of the fourth section of the said Act, or of the thirtieth or thirty-first sections of the Act passed in the thirty-first year of Her Majesty's Reign

Inconsistent enactments, &c., repealed. 31 V., c. 6.

Reign, and intituled, "An Act respecting the Customs," or of either of the said Acts, or of any other Act or Law, as may be inconsistent with this section, is hereby repealed; but all provisions of the said sections and Acts, and of the Act passed in the year last aforesaid, intituled, "An Act imposing duties of Customs, "with the Tariff of duties payable under it," which are now in force, and not inconsistent with those of this section, shall remain in force and apply to all *ad valorem* duties of Customs on goods imported into Canada, or on the packages in which they are contained, and to the calculation of the value thereof for duty.

31 V., c. 7.

Five per cent. added to all duties of Customs, by whatever Act imposed.

11. All the duties of Customs imposed by this Act, or by the Act herein first above cited, as amended by the preceding sections of this Act, shall be and are hereby increased by the addition of five per cent. thereto, that is to say, by adding to the amount of the duty which would be payable on any article or goods under the said Act and the foregoing sections of this Act, five per cent. of such amount, such increase and addition being made as well to any *ad valorem* duty, as to any specific duty payable on such articles or goods.

When the foregoing Sections shall be held to come into force.

12. The foregoing sections of this Act, and the alterations thereby made in the duties of Customs on any article or goods, shall be held to have come into force, and to have taken effect, on the eighth day of April, in the present year of Our Lord one thousand eight hundred and seventy, and to apply to and determine the duty payable on any article or goods imported into Canada, or taken out of warehouse for consumption therein, on or after the said day.

Drawback on iron in composite ships.

13. A drawback of the duties of Customs paid on Iron and Manufactures of Iron used in the building of Composite Ships and Vessels in Canada, and on Sheet Tin or Tin Plate used in packages for articles exported from Canada, shall be allowed, subject to Regulations to be made by the Treasury Board, and approved by the Governor in Council.

Duty on certain articles from United States may be taken off or diminished in a certain case.

14. Section six of the Act herein first above cited, shall be and is hereby repealed; and any or all of the following articles, that is to say:—Animals of all kinds, Green Fruit, Hay, Straw, Bran, Seeds of all kinds, Vegetables (including Potatoes and other Roots), Plants, Trees and Shrubs, Coal and Coke, Salt, Hops, Wheat, Peas and Beans, Barley, Rye, Oats, Indian Corn, Buckwheat and all other Grain, Flour of Wheat and Flour of Rye, Indian Meal and Oat Meal, and Flour or Meal of any other Grain, Butter, Cheese, Fish (salted or smoked), Lard, Tallow, Meats (fresh, salted or smoked), — may be imported into Canada free of duty or at a less rate of duty than is provided by the said Act as amended by this Act, upon proclamation of the Governor in Council, which may be issued whenever it appears to his satisfaction that similar articles from Canada may be imported into the United States of America free of duty, or at a rate of duty

duty not exceeding that payable on the same under such Proclamation, when imported into Canada.

As to articles from B. N. A. Provinces.

15. The articles hereinafter mentioned shall be added to those mentioned in Schedule D to the said Act, which shall be construed as including them, that is to say:—Hay, Straw, Bran, Seeds of all kinds, Vegetables (including Potatoes and other Roots), Plants, Trees and Shrubs, Coal and Coke, Salt, Hops, Wheat, Peas and Beans, Barley, Rye, Oats, Indian Corn, Buckwheat, and all other Grain, Flour of Wheat and Flour of Rye, Indian Meal and Oatmeal, and Flour or Meal of any other Grain,—so that any of the said articles, when the growth and produce of any of the British North American Provinces, may be imported therefrom free of duty: Provided that the Governor in Council may, by proclamation, at any time declare, that on and after a day to be therein named, all the articles in Schedule D (including those previously mentioned) shall be charged with the same duties when imported from any of British North American Provinces, as when imported from any other country.

Proviso.

How this Act shall be construed.

16. The foregoing Sections of this Act shall be construed as forming one Act with the Acts hereinbefore cited and amended; and all words and expressions used in this Act shall have the meaning assigned to them in the said Acts, and all provisions of the said Acts, and of the Regulations made or to be made under them or either of them, or continued in force by them or either of them, shall apply to the duties imposed by, or payable under this Act, except in so far as they may be inconsistent with it.

Excise Act amended. 31 V., c. 8.

17. The Act passed in the thirty-first year of Her Majesty's reign, and intituled: "An Act respecting the Inland Revenue," is hereby amended by repealing sub-sections six, seven, and eight of section thirty-one of the said Act (imposing Duties of Excise on Manufactured Tobacco), and substituting the following in their place as sub-sections six, seven, and eight of the said section thirty-one:—

Duties of Excise on Tobacco.

"6. On Cavendish Tobacco and Snuff, and on Manufactured "Tobacco of all kinds, except Cigars and Common Canada Twist, "on every pound or less quantity than a pound, fifteen cents:

"7. On Common Canada Twist, otherwise called *Tabac blanc* "*en torquette*, being the unpressed leaf rolled and twisted, and "made wholly from raw Tobacco, the growth of Canada, for every "pound or less quantity than a pound, seven cents:

"8. On Cigars, for every pound or less quantity than a pound, "thirty cents;—subject to an abatement or allowance for moisture "in calculating the weight for duty, to be fixed from time to time "by Regulations to be made by the Governor in Council;"—

When to be held to have come into force.

And this section and the sub-sections hereby substituted for those repealed

repealed as aforesaid, shall be held to have come into force, and to have taken effect, on the eighth day of April, in the present year of Our Lord one thousand eight hundred and seventy, and to apply to and determine the duty payable on any articles therein mentioned, manufactured or made, or on which the duty of excise shall become payable on and after the said day, under the provisions of the said Act.

Proviso added as to certain articles.

18. The following proviso is hereby added to the ninth subsection of the thirty-first section of the said Act respecting the Inland Revenue, and shall be read and construed as part of the said section :—

" Provided always, that the undermentioned articles when " manufactured in Bond shall, when entered for consumption in " Canada, be subject to the following duties of Excise and to no " other, that is to say :—

" Vinegar, per gallon, three cents ;

" Methylated Spirits, being composed of Alcohol mixed with " Wood Naptha, in such proportions, and subject to such Regula- " tions as may from time to time be made by the Treasury Board, " —for every gallon of the strength of proof, and so in proportion " for every greater or less strength, and for every less quantity " than a gallon, twelve cents."

Molasses may be manufactured into spirits in bond.

19. Any molasses imported into Canada may be removed in bond without the payment of duties of customs thereon, into a licensed distillery, and there used in the manufacture of spirits of any kind, subject to Regulations to be made by the Governor in Council under the said Act respecting the Inland Revenue, and when so used the bonds given in that behalf shall be cancelled : and, if the spirits manufactured from such molasses are exported under the provisions of the said Act, no duty shall be payable thereon ; but if such spirits are entered for consumption in Canada, then the duty of excise on the spirits manufactured from such molasses shall be sixty-five cents per gallon ; and the Governor in Council may, by Regulations, fix the quantity or the mode of determining the quantity of spirits, which shall be held to be equivalent to any assigned weight of molasses.

Drawback on duty-paid grain used in distilleries.

20. Subject to Regulations to be made by the Governor in Council, under the said Act respecting the Inland Revenue, any Licensed Distiller who imports and receives into his distillery, and uses in the manufacture of spirits therein, any foreign grain on which a duty of Customs has been paid, and exports spirits thereafter made in such distillery, shall, on due proof of such use and export, be entitled to a drawback not exceeding one cent and a half of a cent per gallon of the strength of proof, on a quantity of the spirits so exported, not exceeding three gallons and a half for each bushel of duty-paid grain so consumed as aforesaid.

How the four next preceding Sections shall be construed.

21. The four next preceding sections of this Act shall be construed as forming part of the said Act respecting the Inland Revenue, all the provisions whereof shall apply to all things to be done, and the duties imposed by or payable under the said sections, as fully to all intents and purposes as if they were done, or had been imposed by or payable under the said Act.

Fees on vessels navigating without coasting licenses on entering certain Ports.

22. The Governor may grant yearly Coasting Licenses to British vessels navigating the Inland Waters of Canada above Montreal, and may direct that a fee of fifty cents shall be payable for each such license, and that the master or person in charge of any vessel navigating the said waters, and not having a Coasting License, shall, on entering any Port in the Dominion with such vessel, pay a fee of fifty cents if such vessel is not over fifty tons burthen, and of one dollar if she is of more than fifty tons burthen, to the collector on each entry, and a like fee of fifty cents or one dollar (according to the burthen of the vessel), on each clearance of such vessel at any such port, and such fees shall be payable, accordingly, before such vessel shall be entered or cleared;

Proviso.

Provided that the Governor in Council may reduce or re-adjust such fees, but may not increase them; and provided also, that vessels merely passing through any of the Canadian Canals without breaking bulk shall not be liable to such fees.

CAP. X.

An Act to amend the Act 31 Victoria, Chapter 46, and to regulate the Issue of Dominion Notes.

[*Assented to 12th May,* 1870.]

Preamble. 31 V., c. 46.

IN amendment of the Act passed in the thirty-first year of Her Majesty's Reign, intituled, "*An Act to enable Banks in any part of Canada to use Notes of the Dominion instead of issuing Notes of their own;*" Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Sects. 1 to 7 repealed. Exception.

1. The first seven Sections of the said Act are hereby repealed, except as to any arrangement with the Bank of Montreal now existing under them, which shall remain in force until terminated in accordance with the conditions thereof.

Sect. 10 and part of Sect. 8 repealed.

2. Section ten of the said Act is hereby repealed, and also so much of Section eight as determines or relates to the amount of Dominion notes which may be issued and outstanding at any time; and the amount of such notes which may be issued and outstanding at any time, and the amount of specie and debentures to be

be held for securing the redemption thereof, shall hereafter be such, and such only, as is authorized by the following sections of this Act.

Amount of Dominion Notes, and how secured.

3. Dominion notes to the amount of five million dollars, or such greater amount as may be authorized as hereinafter mentioned, may be issued and remain outstanding at any time, on the security of debentures of the Dominion and specie, equal together to a like amount, and of which not more than eighty per cent. shall be debentures; such debentures and specie to be held by the Receiver General for the redemption of such notes.

How the amount may be increased. Conditions.

4. The amount of Dominion notes to be issued and outstanding may be, from time to time, increased to an amount not exceeding nine million dollars, on like security of debentures and specie equal together to the amount of notes so issued and outstanding, by order in Council founded on a report of the Treasury Board, such increase being so authorized for amounts not exceeding one million dollars at one time, and at intervals of not less than three months, and no such increase being authorized unless the Receiver General then holds specie to the amount of one-fourth of the aggregate amount of such increase and of the debentures already held by him as aforesaid; nor shall the amount of nine millions be so authorized, unless the Receiver General then holds specie to the amount of two million dollars: and the Receiver General shall always, as a rule, hold specie to the amount of twenty-five per cent, of the debentures to be held by him as aforesaid, and shall, under no circumstances, hold a less amount of specie than fifteen per cent. of such debentures; the amount of debentures and specie so held for securing the redemption of the said notes, being, together, never less than the amount of notes then issued and outstanding; and if the amount of such specie should at any time fall below twenty-five per cent. of the amount of such debentures, it shall be the duty of the Receiver General, without delay, to increase the proportion of specie to at least twenty-five per cent. of the amount of debentures.

Proportion of specie and debentures to be held for redemption of notes.

Debentures to be delivered to Receiver-General for the said purpose.

5. Debentures of the Dominion may be issued and delivered to the Receiver General, for the purposes of this Act, and to enable him to comply with its requirements, such debentures being held as aforesaid, for securing the redemption of Dominion notes, and the Receiver General having full power to dispose of them, either temporarily or absolutely, in order to raise funds for that purpose, or for procuring the amounts of specie required to be held by him under this Act; but nothing in this Act shall be construed to permit the issue of debentures not otherwise authorized by Parliament, or any increase of the public debt, beyond the amount authorized by Section five of the Act of Supply, passed in the Session held in the thirty-second and thirty-third years of Her Majesty's Reign, chapter one.

Proviso.

Any further amount to be issued against specie only.

6. If any amount of Dominion notes be issued and outstanding at

at any time in excess of the amount then authorized as aforesaid, the Receiver General shall hold specie to the full amount of such excess, for the redemption of such notes; and any amount of such notes which the public convenience may require may be issued and remain outstanding, provided the excess of such amount over that so authorized be represented by an equal amount of specie held by the Receiver General as aforesaid; and the issue of Dominion notes so represented in full by specie, shall not be deemed an increase of the public debt; but except in the case of notes so issued against an equal amount of specie, the total amount of Dominion notes outstanding shall never exceed the amount authorized under the foregoing sections of this Act.

Section 9 repealed. Exception Offices or agencies for redemption of notes.

7. Section nine of the Act hereby amended is repealed, except as respects any existing arrangements made under it, which shall remain in force until terminated in accordance with the conditions thereof; and the Governor may in his discretion establish Branch Offices of the Receiver General's Department in Montreal, Toronto, Halifax, and St. John (N.B.) respectively, or any of them, for the redemption of Dominion notes, or may make arrangements with any Chartered Bank or Banks for the redemption thereof, and may allow a fixed sum per annum for such service at all or any of the said places; and specie or debentures held at any such Branch Office or by any such Bank, for the redemption of Dominion notes, shall be deemed to be held by the Receiver General.

Section 11 repealed. Receiver-General to publish monthly statements.

8. Section eleven of the Act hereby amended is repealed; and the Receiver General shall publish monthly, in the "Canada Gazette," a statement of the amount of Dominion notes outstanding on the last day of the preceding month, and of the specie and debentures then held by the Receiver General for the redemption thereof, distinguishing the amounts of specie and debentures so held at each of the cities aforesaid respectively; such statements to be made up from returns to be made by the Branch Offices, Bank or Banks aforesaid, to the Receiver General.

Interpretation clause.

9. All words and expressions in this Act shall have the meaning assigned to them respectively in the Act hereby amended; and the unrepealed provisions of the said Act, in so far as they are not inconsistent with this Act, shall apply to the Dominion notes to be issued under this Act, which shall be construed as one Act with that hereby amended.

CAP. XI.

An Act respecting Banks and Banking.

[*Assented to* 12*th May*, 1870.]

Preamble.

WHEREAS, it is important that the provisions of Law respecting Banks and Banking in Canada should be as nearly as practicable uniform, and it is therefore expedient to enact

enact certain clauses and provisions adapted to protect as well the interests of the public as of the Shareholders, which may be incorporated into any Act hereafter to be passed for establishing a new Bank, without its being necessary to repeat them in such Act, and which may in like manner be adopted as amendments to the Charter of any existing Bank, where such Charter requires to be amended:

Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Unless it be otherwise provided in any Act establishing a new Bank, or re-enacting or continuing the Charter of any now existing Bank, the following sub-sections of this section, numbered from 1 to 20, and the clauses and provisions therein contained, shall be held to be incorporated with, and to form part of such Act, as if therein repeated and enacted, subject always to the exceptions and provisions made in the said sub-sections with respect to Banks *en commandite*:

Sub-sections 1 to 20 to be part of the Charter of any new Bank, unless otherwise provided.

1. The Bank shall not issue notes or commence the business of Banking until two hundred thousand dollars of its Capital shall have been *bonâ fide* paid up, nor until it shall have obtained from the Treasury Board a certificate that this condition has been complied with; and the Treasury Board shall, before granting such certificate, be satisfied in such manner as may be prescribed by regulations to be from time to time made by the Board and approved by the Governor in Council, that the said amount of the Capital has been *bonâ fide* paid up:

Amount to be paid up before commencing business.

2. At least twenty per cent. of the subscribed Capital of the Bank shall be paid up in each year after it shall have commenced the business of Banking:

Paying up subscribed capital

3. The amount of notes intended for circulation, issued by the Bank and outstanding at any time, shall never exceed the amount of its unimpaired paid-up Capital, and no such note for a less sum than four dollars shall be issued by the Bank:

Circulation: No notes less than $4.

4. The Bank shall always receive in payment its own notes at par, at any of its offices, and whether they be made payable there or not; but shall not be bound to redeem them in specie or Dominion Notes at any place other than where they are made payable. The place, or one of the places, at which the notes of the Bank shall be made payable, shall always be its chief seat of business:

Place of redemption of notes, &c.

5. The Bank shall always hold, as nearly as may be practicable, one half of its Cash Reserves in Dominion Notes, and the proportion of such Reserves held in Dominion Notes shall never be less than one-third thereof:

Part of Cash Reserves to be in Dominion Notes.

6.

Lien of Bank on Stock, &c.

6. The Bank shall not make loans or grant discounts on the security of its own Stock, but shall have a privileged lien for any overdue debt on the shares and unpaid dividends of any of its debtors, and may decline to transfer the shares of any such debtor until such debt is paid:

Paid-up Capital not to be impaired.

7. No dividend or bonus shall ever be made so as to impair the paid-up Capital Stock; and if any dividend or bonus be so made, the Directors knowingly and wilfully concurring therein shall be jointly and severally liable for the amount thereof, as a debt due by them to the Bank; and if any part of the paid-up Capital be lost, the Directors shall, if all the subscribed Stock be not paid up, forthwith make calls upon the Shareholders sufficient to make good such loss; and such loss (and the calls, if any) shall be mentioned in the Return then next made by the Bank to the Government; Provided that in any case where the Capital Stock has been impaired as aforesaid, all nett profits shall be applied to make good such loss:

Reserved Fund required before division of profits over 8 per cent.

8. No division of profits, either by way of dividends or bonus, or both combined, or in any other way, exceeding the rate of eight per cent. per annum, shall be paid by the Bank, unless, after paying the same, it shall have a Rest or reserved fund equal to at least twenty per cent. of its Capital, deducting all bad and doubtful debts before calculating the amount of such Rest:

Forfeiture for suspension beyond 90 days.

9. Any suspension by the Bank of payment of any of its liabilities as they accrue, in specie or Dominion Notes, shall, if it continues for ninety days, constitute the Bank insolvent, and operate a forfeiture of its Charter, so far as regards the issue or re-issue of notes and other Banking operations, and the Charter shall remain in force only for the purpose of enabling the Directors, or the Assignee or Assignees, or other legal authority (if any be appointed in such manner as may by law be provided), to make the calls mentioned in the next following sub-section, and wind up its business; and any such Assignee or Assignees, or other legal authority, shall for such purposes have all the powers of the Directors:

Powers of Assignees in such cases.

Liability of Shareholders in such case.

10. In the event of the property and assets of the Bank becoming insufficient to pay its debts and liabilities, the Shareholders of the Bank shall be liable for the deficiency, so far as that each Shareholder shall be so liable to an amount (over and above any amount not paid up on their respective shares) equal to the amount of their shares respectively; and if any suspension of payment in full, in specie or Dominion Notes, of all or any of the notes or other liabilities of the Bank, shall continue for six months, the Directors may and shall make calls on such Shareholders to the amount they may deem necessary to pay all the debts and liabilities of the Bank, without waiting for the collection of any debts due to it, or the sale of any of its assets or property; such calls shall be made at intervals of thirty days, and upon notice

Calls to be made: each payable after 30 days' notice thereof.

notice to be given thirty days at least prior to the day on which such call shall be payable; and any such call shall not exceed twenty per cent. on each share, and payment thereof may be enforced in like manner as for calls on unpaid Stock; and the first of such calls shall be made within ten days after the expiration of the said six months; and any failure on the part of any Shareholder liable to such call to pay the same when due shall operate a forfeiture by such Shareholder of all claim in or to any part of the assets of the Bank, such call, and any further call thereafter, being nevertheless recoverable from him, as if no such forfeiture had been incurred; Provided that if the Bank be *en commandite* and the principal partners are personally liable, then, in case of any such suspension, such liability shall at once accrue, and may be enforced against such principal partners, without waiting for any sale or discussion of the property or assets of the Bank, or other preliminary proceedings whatever; and the provision respecting calls shall not apply to such Bank:

Proviso: as to Banks *en commandite*.

11. Persons who, having been Shareholders in the Bank, have only transferred their shares or any of them to others, or registered the transfer thereof, within one month before the commencement of the suspension of payment by the Bank, shall be liable to calls on such shares under the next preceding sub-section as if they had not transferred them, saving their recourse against those to whom they were transferred; and any Director refusing to make or enforce, or to concur in making or enforcing any such call, shall be deemed guilty of a misdemeanor, and shall be personally responsible for any damages suffered by such default; and any assignee, or other officer or person appointed to wind up the affairs of the Bank in case of its insolvency, shall have the powers of the Directors with respect to such calls; Provided that if the Bank be *en commandite*, the liability of the principal partners and of the *commanditaires* shall continue for such time after their ceasing to be such, as is or may be provided in the Charter of the Bank; and the foregoing provisions, with respect to the transfer of shares or to calls, shall not apply to such Bank:

Duration of liability of Shareholders transferring their shares.

Proviso as to Banks *en commandite*.

12. The Bank shall be subject to such provisions of any general or special winding-up Act to be passed by Parliament as may be declared to apply to Banks; and no special Act which Parliament may deem it right to pass for winding up the affairs of the Bank in case of its insolvency, shall be deemed an infringement of its rights or of the privileges conferred by its Charter:

Bank to be subject to any general winding-up Act.

13. Each Shareholder in the Bank shall, on all occasions on which the votes of the Shareholders are to be taken, have one vote for each share held by him for at least three months before the time of voting. Shareholders may vote by proxy, but no person but a Shareholder shall be permitted to vote or act as such proxy; and no Manager, Cashier, Bank Clerk, or other subordinate officer of the Bank, shall either vote in person or by proxy, or hold a proxy for that purpose:

Votes and proxies.

14.

Shareholders may regulate certain matters by By-law.

14. The Shareholders in the Bank shall have power to regulate by by-law the following matters incident to the management and administration of the affairs of the Bank, viz.: the qualification and number of the Directors, which shall not be less than five nor more than ten; the method of filling up vacancies in the Board of Directors, whenever the same may occur during each year; and the remuneration of the President, Vice-President, and other Directors; but no Director shall hold less than three thousand dollars of the Stock of the Bank when the paid-up Capital thereof is one million of dollars or less, or less than four thousand dollars of Stock when the paid-up Capital thereof is over one million and does not exceed three millions, nor less than five thousand dollars of Stock when the paid-up Capital thereof exceeds three millions; the Directors shall be elected annually by the Shareholders, and shall be eligible for re-election; provided that the foregoing provisions touching Directors shall not apply to a Bank *en commandite*, which shall in these matters be governed by the provisions of its Charter: the Shareholders (or if the Bank be *en commandite* the principal partners) may regulate, by by-law, the amount of discounts or loans which may be made to Directors (or if the Bank be *en commandite* to the principal partners), either jointly or severally, or to any one firm or person, or to any Shareholder, or to corporations; Provided always, that the aggregate amount of discounts and advances made by the Bank upon commercial paper or securities to any Director, or any firm of which a Director is a partner (or if the Bank be *en commandite* to any principal partner, or any firm in which a principal partner in the Bank is a partner), shall never, at any one time, exceed one-twentieth of the total amount of the discounts and advances made by the Bank at the same time:

Directors and their qualification.

May be re-elected.

Proviso: as to Banks *en commandite.*

Loans and discounts to Directors.

Further proviso as to such loans.

Certified lists of Shareholders to be laid before Parliament.

15. Certified lists of the Shareholders (or of the principal partners if the Bank be *en commandite*), with their additions and residences, and the number of shares they respectively hold, shall be laid before Parliament every year, within fifteen days after the opening of the Session:

Form and times of making Returns to Government.

16. The monthly returns to be made by the Bank to the Government shall be in the following form, and shall be made up on the first juridical day of each month, and shall exhibit the condition of the Bank on the last juridical day of the month preceding; and such monthly returns shall be signed by the President, or the Director (or if the Bank be *en commandite*, the principal partner) then acting as President, and by the Cashier, or other principal officer of the Bank at its chief seat of business:—

The form.

Return of the amount of Liabilities and Assets of the Bank, on the day of A.D. 18 .

Capital Authorized, $.	Capital Subscribed, $.	Capital Paid Up, $.

LIABILITIES.

LIABILITIES.

		$	cts.
1	Notes in Circulation		
2	Government Deposits payable on demand		
3	Other Deposits payable on demand		
4	Government Deposits payable after notice, or on a fixed day		
5	Other Deposits payable after notice, or on a fixed day		
6	Due to other Banks in Canada		
7	Due to other Banks or Agents not in Canada		
8	Liabilities not included under the foregoing heads		

ASSETS.

		$	cts.
1	Specie		
2	Provincial or Dominion Notes		
3	Notes of other Banks		
4	Balances due from other Banks in Canada		
5	Balances due from other Banks or Agents not in Canada		
6	Government Debentures or Stock		
7	Loans to the Government		
8	Loans, Discounts, or Advances on Current Account to Corporations		
9	Notes and Bills discounted, and current		
10	Notes and Bills discounted, overdue and not specially secured		
11	Overdue Debts, secured by Mortgage or other Deed, on Real Estate, or by Deposit of, or lien on Stock, or by other Securities		
12	Real Estate, the property of the Bank, (other than the Bank Premises,) and Mortgages on Real Estate sold by the Bank		
13	Bank Premises		
14	Other Assets not included under the foregoing heads		

We declare that the foregoing return is made up from the books of the Bank, and that it is correct to the best of our knowledge and belief.

(*Place*) this day of 18

A. B.—*President, &c.*
C. D.—*Cashier, &c.*

17. The making of any wilfully false or deceptive statement in any account, statement, return, report or other document respecting the affairs of the Bank, shall, unless it amounts to a higher offence, be a misdemeanor; and every President, Vice-President, Director, Principal Partner *en commandite*, Auditor, Cashier, or other officer of the Bank, preparing, signing, approving, or concurring in such statement, return, report or document, or using the same

Wilfully false statement in Returns, &c., to be misdemeanor.

Responsibility of persons making them.

same with intent to deceive or mislead any party, shall be held to have wilfully made such false statement, and shall further be responsible for all damages sustained by such party in consequence thereof:

Responsibility for any unfair preference given to any creditor.

18. If any President, Vice-President, Director, Principal Partner *en commandite*, Cashier, or other officer of the Bank wilfully gives, or concurs in giving, any creditor of the Bank any fraudulent, undue, or unfair preference over other creditors, by giving security to such creditor, or by changing the nature of his claim, or otherwise howsoever, he shall be guilty of misdemeanor, and shall further be responsible for all damages sustained by any party by such preference:

Bank subject to any general Act.

19. The Bank shall always be subject to any general provisions respecting Banks which Parliament may deem necessary for the public interest:

Duration of Charter.

20. The Act incorporating the Bank shall continue in force until the end of the Session commencing after the next first day of January, 1881, and no longer.

Existing Banks may obtain an extension of Charters from the Governor in Council, subject to certain provisions.

2. The Directors of any now existing Bank, being thereunto authorized at a general meeting of Shareholders called for that purpose, or the principal partners of a Bank *en commandite*, may, at any time before the expiration of its present Charter, notify the Minister of Finance of their intention to apply for an extension or modification of its Charter, with amendments embodying and applying to such Bank the provisions contained in the last eighteen sub-sections of the preceding section, and may apply to the Governor General for a Charter granting the extension or modification with such amendments, which Charter the Governor in Council shall grant on the report of the Minister of Justice and of the Treasury Board, that it is in conformity with this Act; such Charter shall contain such of the provisions of the Act incorporating the Bank, and of the Act or Acts (if any) amending it, as are then in force and are not inconsistent with the said last eighteen sub-sections of the next preceding section, and such of the provisions of the said eighteen sub-sections as would be applicable to a new Bank of the same kind (that is to say, *en commandite* or not *en commandite*), and shall provide for the continuance of the Charter and the privileges thereby granted, until the period mentioned in the last of the said sub-sections; and if any part of the Capital of such Bank be not paid it shall be a condition of such Charter that at least twenty per cent. of the part unpaid shall be paid up in each year after such Charter comes into force: And such Charter shall commence and take effect from and after the expiration of the present Charter of the Bank, unless an earlier period be therein fixed for its commencement (as it may be by the consent of the Directors or Principal Partners applying for it, such Directors being authorized to give such consent by the Shareholders as aforesaid), in which case it shall

Commencement of such Charter.

commence

commence and take effect at the period so fixed, and the present Charter shall then be held to have expired: Provided always, that such Charter shall not be construed as a new Charter or Law, or as making the Bank a new Corporation, but as continuing the present Charter and the Corporation therein mentioned, subject to the amendments aforesaid: And provided also, that any provision contained in a Charter granted under this Act, altering the qualification of Directors, shall not take effect until the election of Directors next after the time when such Charter shall come into force.

Proviso.

Proviso.

3. In the event of it being shewn upon the application of any Bank for an extension or modification of its Charter as provided in the next preceding section, that the paid-up Capital Stock thereof has been impaired, provision shall be made in the Charter to be granted thereon, for a reduction of the shares and paid-up Capital by an amount at least equal to the sum by which the same shall appear to be so impaired, but the liability of the Shareholders shall not thereby be lessened or interfered with, and in no case shall the reduction exceed twenty-five per cent. of the paid-up Capital, nor shall the same be reduced below the sum of two hundred thousand dollars: And any Charter granted under this Act shall, so far and so far only as its provisions are consistent with this Act, have the same force and effect as if recited in and confirmed by an Act of the Parliament of Canada, and a copy of every such Charter shall be laid before Parliament within the first fifteen days of the then next Session thereof.

Effect of charter: copy to be laid before Parliament.

4. No existing Bank obtaining a Charter under this Act shall, after such Charter shall come into force, issue any note for a less sum than four dollars, and all such notes of the Bank then outstanding shall be called in and redeemed as soon as practicable.

As to notes under $4.

5. Every new Bank shall, and every existing Bank obtaining a Charter under this Act, shall, from the time when such Charter shall come into force, be exempt from the tax now imposed on the average amount of its notes in circulation, and to which other Banks will continue liable.

Exemption from tax on circulation.

6. The Bank of British North America, which, by the terms of its present Charter, is to be subject to the general Laws of the Dominion with respect to Banks and Banking, shall not, after the first day of January, 1871, issue or re-issue in Canada, any note for a less sum than four dollars, and any such notes of the said Bank then outstanding shall be called in and redeemed as soon as practicable: And the provisions contained in the fourth, fifth, fifteenth, sixteenth, seventeenth, eighteenth, and nineteenth subsections of the first section of this Act, shall apply to the said Bank; those contained in the other sub-sections shall not apply to it.

Provisions concerning the Bank of British North America.

7. The Receiver-General shall make such arrangements as may be necessary for ensuring the delivery of Dominion Notes to any Bank

Exchange of specie for Dominion Notes.

Bank in exchange for an equivalent amount of specie, at the several offices at which Dominion Notes will be redeemable, in the cities of Toronto, Montreal, Halifax, and St. John (N.B.), respectively.

Chartered Banks only to issue notes for circulation. Penalty.

8. No private person or party, except a Chartered Bank, shall issue or re-issue, make, draw, or indorse any bill, bond, note, check or other instrument, intended to circulate as money, or to be used as a substitute for money, for any amount whatever, under a penalty of four hundred dollars, to be recovered with costs in any court having civil jurisdiction to the amount, by any party who will sue for the same; and one half of such sum shall belong to the party suing for the same, and the other half to Her Majesty, for the public uses of the Dominion:

When shall be deemed such notes.

The intention to pass any such instrument as money shall be presumed if it be made for the payment of a less sum than twenty dollars, and be payable either in form or in fact to the bearer thereof, or at sight, or on demand, or at less than thirty days thereafter, or be overdue, or be in any way calculated or designed for circulation, or as a substitute for money; unless such instrument be a check on some Chartered Bank, paid by the maker directly to his immediate creditor, or a promissory note, bill of exchange, bond or other undertaking for the payment of money paid or delivered by the maker thereof to his immediate creditor, and be not designed to circulate as a substitute for money:

Proviso as to Halifax Banking Company.

Provided always, that the Halifax Banking Company may, until the end of the year 1874, continue to re-issue their notes now in circulation; but the whole of such notes shall, as far as practicable, be called in and withdrawn by the end of the said year.

Act 31 Vict., c. 11, continued.

9. The Act passed in the thirty-first year of Her Majesty's Reign, Chapter 11, intituled, "*An Act respecting Banks,*" shall be and is hereby continued until the end of the Session of Parliament, commencing next after the first day of January, one thousand eight hundred and seventy-two.

CAP. XII.

An Act to remove certain restrictions with respect to the issue of Bank Notes in Nova Scotia.

[*Assented to 12th May,* 1870.]

Preamble.

HER MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1.

1. So much of the thirteenth section of chapter eighty-three of the Revised Statutes of Nova Scotia, third series, intituled: —"Of Currency," or of any other Act or Law, or of the Charter of any Bank, in force in Nova Scotia, as prohibits the issue of any Bank Note by any chartered Bank for a less sum than twenty dollars, is hereby repealed; but no chartered Bank in Nova Scotia shall issue any Bank Note for a less sum than four dollars currency of that Province, under the penalty imposed by the said thirteenth section of the said chapter eighty-three, for issuing Notes for a less sum than twenty dollars. **Banks in Nova Scotia may issue notes under $20, but not under $4.**

CAP. XIII.

An Act to amend the Act imposing Duties on Promissory Notes and Bills of Exchange.

[*Assented to 12th May, 1870.*]

WHEREAS, it is expedient to repeal Sections Eleven and Twelve of the Act passed in the thirty-first year of Her Majesty's reign, chapter nine; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— **Preamble.**

1. The said Sections are hereby repealed, and the following Sections substituted therefor: **Sections 11 and 12 repealed.**

"11. If any person in Canada makes, draws, accepts, indorses, signs, becomes a party to, or pays any Promissory Note, Draft, or Bill of Exchange, chargeable with duty under this Act, before the duty (or double duty, as the case may be) has been paid, by affixing thereto the proper stamp or stamps, such person shall thereby incur a penalty of one hundred dollars, and, save only in the case of payment of double duty, as in the next section provided, such instrument shall be invalid and of no effect in law or in equity, and the acceptance, or payment, or protest thereof, shall be of no effect; and in suing for any such penalty, the fact that no part of the signature of the party charged with neglecting to affix the proper stamp or stamps, is written over the stamp or stamps affixed to any such instrument, or that no date, or a date that does not correspond with the time when the duty ought to have been paid, is written or marked on the stamp or stamps, shall be *primâ facie* evidence that such party did not affix it or them, as required by this Act: But no party to, or holder of any such instrument, shall incur any penalty by reason of the duty thereon not having been paid at the proper time, and by the proper party or parties, provided at the time it came into his hands it had affixed to it stamps to the amount of the duty apparently payable upon it, that he had no knowledge that they were not affixed at the proper time **Penalty for not affixing the proper stamps at the proper time.** **Presumption in suits for penalty.** **Exception in favor of innocent parties.**

time and by the proper party or parties, and that he pays the double or additional duty as in the next section provided, as soon as he acquires such knowledge."

Conditions on which an innocent party shall become exempt from penalty or forfeiture.

"**12**. Any subsequent party to such instrument, or person paying the same, or any holder without becoming a party thereto, may pay double duty by affixing to such instrument a stamp or stamps to the amount thereof, or to the amount of double the sum by which the stamps affixed fall short of the proper duty, and by writing his signature, or part thereof, or his initials, or the proper date, on such stamp or stamps, in the manner and for the purposes mentioned in the fourth Section of this Act; and when upon the trial of any issue, or on any legal inquiry, the validity of any Promissory Note, Draft or Bill of Exchange is questioned by reason of the proper duty thereon not having been paid, or not having been paid by the proper party, or at the proper time, and it appears that the holder thereof, when he became holder, had no knowledge that the proper duty had not been paid by the proper party, or at the proper time, such instrument shall nevertheless, be held to be legal and valid, if it shall appear that the holder thereof paid double duty as in this section mentioned, so soon as such holder acquired such knowledge, or if the holder thereof, acquiring such knowledge at the trial or inquiry, do thereupon forthwith pay such double duty; or if the validity of such Promissory Note, Draft, or Bill of Exchange is questioned by reason of a part only of the requisite duty thereon having been paid at the proper time or by the proper party, and it appears to the satisfaction of the Court or Judge, as the case may be, that it was through mere inadvertence or mistake, and without any intention to violate the law on the part of the holder, that the whole amount of duty, or double duty, as the case may be, was not paid at the proper time, or by the proper party, such instrument, and any endorsement or transfer thereof, shall, nevertheless, be held legal and valid, if the holder shall, before action brought, have paid double duty thereon, as in this section mentioned, as soon as he reasonably could, after having became aware of such error or mistake; but no party, who ought to have paid duty thereon, shall be released from the penalty by him incurred as aforesaid."

If part of the duty was not paid through inadvertence, &c.

Pending suits excepted.

2. This Act shall not apply to any suit pending when it comes into force.

CAP. XIV.

An Act respecting the Coasting Trade of Canada.

[*Assented to 12th May,* 1870.]

Preamble. Imp. Stat., 32 Vict., c. 11, cited.

WHEREAS, by an Act of Parliament of the United Kingdom, passed in the thirty-second year of Her Majesty's Reign, and intituled: "*An Act for amending the law relating to the Coasting*

"*Coasting Trade and Merchant Shipping in British Possessions,*" it is, among other things, in effect enacted, that after the commencement of the said Act, the Legislature of a British Possession, by any Act or Ordinance, from time to time, may regulate the Coasting Trade of that British Possession, subject, in every case, to certain conditions mentioned in the said Act, and embodied and enacted in this Act, and that Section one hundred and sixty-three of the Act of the Parliament of the United Kingdom, known as "The Customs Consolidation Act, 1853," which is in the following words: "No goods or passengers shall be carried, from one "port of any British Possession in Asia, Africa, or America, to "another Port of the same Possession, except in British ships," shall be repealed as from the date in the case of each British Possession, at which either an Act or an Ordinance with respect to the Coasting Trade, made within two years after the commencement of the Act first above cited, in such British Possession, comes into operation, or if there is no such Act or Ordinance, at which the said two years expire; and that the said first cited Act shall be proclaimed in every British Possession, by the Governor thereof, as soon as may be after he receives notice of the said Act, and shall come into operation in that British Possession on the day of such proclamation, which day is in the said Act referred to as the commencement thereof: And, whereas, the said Act was so proclaimed by the Governor of Canada, on the twenty-third day of October, now last past: And, whereas, it is expedient to exercise in the manner hereinafter provided, the power vested as aforesaid in the Parliament of Canada; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

No goods or passengers to be carried coastwise, &c. in Canada except in British ships, &c., after a day to be appointed. Penalty for contravention.

1. No goods or passengers shall be carried by water, from one port of Canada to another, except in British ships; and if any goods or passengers are so carried, as aforesaid, contrary to this Act, the master of the ship or vessel so carrying the same, shall forfeit the sum of four hundred dollars, and any goods so carried shall be forfeited, as smuggled, and such ship or vessel may be detained by the collector of customs, at any port or place to which such goods or passengers are brought, until such penalty is paid, or security for the payment thereof given to his satisfaction, and until such goods (if any) are delivered up to him, to be dealt with as goods forfeited under the provisions of the Act passed in the thirty-first year of Her Majesty's reign, and intituled: "*An Act* "*respecting the Customs*"; and the said penalty and forfeiture may also be recovered and enforced in the manner provided by the Act last mentioned, with respect to penalties and forfeitures incurred under it, and as if imposed by it; and this Act shall accordingly be construed with reference to the said Act, and as forming one Act with it, and all words and expressions in this Act, shall have the same meaning as the like words and expressions in the said Act.

Governor in Council may declare this Act not to apply to ships of certain countries.

2. The Governor in Council may, from time to time, declare that the foregoing provisions of this Act, shall not, while such Order

Order in Council is in force, apply to the ships or vessels of any Foreign country in which British ships are admitted to the coasting trade of such country, and to carry goods and passengers from one port or place in such country to another, and may, from time to time revoke or alter such Order in Council.

When this Act shall come into force.

3. This Act shall not come into operation, until the day to be appointed for that purpose, in the proclamation hereinbefore mentioned, signifying Her Majesty's pleasure that it shall come into operation in Canada;

Interpretation clause.

In this Act, the term "British Ships," means and includes all ships belonging wholly to persons and bodies corporate, qualified or entitled to be owners of British Ships, under the provisions of "*The Merchant Shipping Act*, 1854," or other Act of the Parliament of the United Kingdom in that behalf, in force for the time being.

Provision in case of Treaties.

And where, by treaty, made before the passing of the Act of Parliament of the United Kingdom, first cited in the preamble of this Act, Her Majesty has agreed to grant to any ships of any Foreign state, any rights or privileges in respect of the coasting trade of Her Majesty's possessions, such rights and privileges shall be enjoyed by such ships, for so long as Her Majesty has already agreed, or may hereafter agree, to grant the same; anything in this Act to the contrary, notwithstanding.

CAP. XV.

An Act to amend the Act respecting Fishing by Foreign Vessels

[*Assented to 12th May*, 1870.]

Preamble.

WHEREAS it is expedient, for the more effectual protection of the in-shore fisheries of Canada against intrusion by foreigners, to amend the Act intituled "*An Act respecting Fishing by Foreign Vessels*," passed in the Thirty-first year of Her Majesty's Reign; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Section 3 of 31 Vict., c. 61, repealed, and new section substituted.

1. The Third Section of the above cited Act shall be, and is hereby repealed, and the following section is enacted in its stead:—

Vessels found hovering in British waters may be brought into port and examined.

"3. Any one of such officers or persons as are above-mentioned, "may bring any ship, vessel, or boat, being within any harbor in "Canada, or hovering (in British waters) within three marine miles "of any of the coasts, bays, creeks, or harbors in Canada, into port, "and

"and search her cargo, and may also examine the Master upon oath "touching the cargo and voyage; and if the Master, or person in "command, shall not truly answer the questions put to him in such "examination, he shall forfeit four hundred dollars; and if such "ship, vessel, or boat be foreign, or not navigated according to the "laws of the United Kingdom, or of Canada, and have been found "fishing, or preparing to fish, or to have been fishing (in British "waters) within three marine miles of any of the coasts, bays, "creeks, or harbors of Canada, not included within the above-"mentioned limits, without a license, or after the expiration of the "period named in the last license granted to such ship, vessel, or "boat, under the first section of this Act, such ship, vessel, or boat, "and the tackle, rigging, apparel, furniture, stores, and cargo "thereof shall be forfeited." **Forfeiture for fishing without a license, &c.**

2. This Act shall be construed as one with the said Act "*respecting Fishing by Foreign Vessels.*" **The two Acts one.**

CAP. XVI.

An Act to make provision for discipline on board of Canadian Government Vessels.

[*Assented to 12th May,* 1870.]

WHEREAS it is expedient to make provision for the establishment and maintenance of discipline on board of vessels belonging to the Government of Canada; **Preamble.**

Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act may be cited as "The Canadian Government Vessels Discipline Act." **Short title.**

2. The Master of every vessel belonging to the Government of Canada shall cause every person engaged for service in such vessel, after having had this Act read to him, and before he enters upon the discharge of any duty on board of such vessel to sign his name in the proper column of a book to be kept by the master for that purpose. **Men engaged to have this Act read to them, and to sign ship's books.**

3. The said book shall contain a statement of the name of the vessel, the name of the master, and the year for which it is the ship's book of such vessel, and also statements to the following effects, that is to say; that this Act has been read to each of the persons who have signed their names in the proper column before he signed his name thereto; and that he has thereby consented to submit himself to the provisions of this Act, and **Conditions of engagement of men, and what the ship's book shall show.**

and to conduct himself in an orderly, faithful, honest and sober manner, and to be at all times diligent in the discharge of his duty, and to be obedient to the lawful commands of the master of the said vessel for the time being and of others his superior officers, whether on board, in boats or on shore, in everything relating to the said vessel and the stores thereof and to this Act, and that any embezzlement, or wilful or negligent destruction or loss of or injury to any part of the stores of the said vessel shall be made good out of the wages of the person guilty of the same, and that if such person has entered himself as qualified for a duty which he proves incompetent to perform he may be discharged or his wages may be reduced at the discretion of the master; and the book shall also contain columns, properly headed, as follows viz:

Columns for certain matters.

1. A column for the names of the persons engaged, including officers.

2. A column for the dates when engaged.

3. A column for the capacity in which each person is to serve, with the relative rank of the officers, to be indicated by numbers.

4. A column for the period during which each person is to serve.

5. A column for the rate of wages at which each person is to be paid.

6. A column for the names of the witnesses to each signature.

7. A column for the dates of signatures.

Agreement to be read over, &c.

4. The contents of the said book shall be read by the Master, or other officer of such vessel, to each man about to ship on board thereof, and every person so signing any such book shall thenceforth be subject to this Act for and during the period of his engagement as therein mentioned.

DISCIPLINE.

Offences and their punishment.

5. Whenever any person subject to this Act commits any of the following offences, he shall be liable to be punished summarily on conviction before any Commissioner of Police appointed under the Act passed in the thirty-first year of Her Majesty's reign chapter seventy-three, "*respecting Police of Canada,*" or before any Justice of the Peace, as follows; (that is to say,)

Desertion.

1. For desertion he shall be liable to imprisonment for any period not exceeding four weeks, with or without hard labor, and also to forfeit all or any part of the clothes and effects he leaves

leaves on board, and all or any part of the wages or emoluments which he has then earned;

2. For neglecting or refusing, without reasonable cause, to join his vessel, or to proceed on any voyage or cruise in his vessel, or for absence without leave at any time within twenty-four hours of the vessel's sailing from any port, or for absence at any time without leave and without sufficient reason, from his vessel or from his duty not amounting to desertion, he shall be liable to imprisonment for any period not exceeding four weeks with or without hard labour, and also at the discretion of the Commissioner, or Justice, to forfeit out of his wages, a sum not exceeding the amount of ten days' pay; Neglecting or refusing to join, or to proceed to sea. Absence within 24 hours before sailing. Absence without leave.

3. For quitting the vessel without leave after her arrival in port at the close of the season of navigation, and before she is placed in security, he shall be liable to forfeit out of his wages a sum not exceeding ten days' pay. Quitting without leave before ship is secured.

4. For wilful disobedience to any lawful command, he shall be liable to imprisonment for any period not exceeding four weeks, with or without hard labour, and also, at the discretion of the Commissioner, or Justice, to forfeit out of his wages a sum not exceeding two days pay; Act of wilful disobedience.

5. For continued wilful disobedience to lawful commands, or continued wilful neglect of duty, he shall be liable to imprisonment for any period not exceeding four weeks, with or without hard labor, and also, at the discretion of the Commissioner, or Justice, to forfeit for every twenty-four hours continuance of such disobedience or neglect, a sum not exceeding two days' pay; Continued disobedience.

6. For assaulting any master or officer of any Canadian Government vessel he shall be liable to imprisonment for any period not exceeding four weeks, with or without hard labor; Assault on officers.

7. For combining with any other or others of the crew to disobey lawful commands, or to neglect duty, or to impede the navigation of the vessel, or the progress of the voyage, or the continuance of the cruise, he shall be liable to imprisonment for any period not exceeding four weeks, with or without hard labor; Combining to disobey.

8. For wilfully damaging the vessel, or embezzling or wilfully damaging any of her stores, he shall be liable to forfeit out of his wages a sum equal in amount to the loss thereby sustained, and also, at the discretion of the Commissioner, or Justice, to imprisonment for any period not exceeding four weeks, with or without hard labor. Wilful damage or embezzlement.

6. Upon the commission of any of the offences enumerated in the last preceding section, an entry thereof shall be made in the log book, and shall be signed by the master and also by one of the officers or one of the crew, and the offender, if still in the vessel, shall before the next subsequent arrival of the vessel at any port, or if she is at the time in port, before her departure therefrom, be furnished with a copy of such entry, and have the same read Entry of offence to be made in the Log-book, and to be read over, and a copy given to the offender, and his reply, if any, to be also entered.

read over distinctly and audibly to him, and may thereupon make such reply thereto as he thinks fit; and a statement that a copy of the said entry has been so furnished, and that the same has been so read over as aforesaid, and the reply (if any) made by the offender, shall likewise be entered and signed in manner aforesaid, and in any subsequent legal proceeding the entries hereinbefore required shall, if practicable, be produced and proved, and in default of such production and proof, the Commissioner or Justice, hearing the case may, at his discretion, refuse to receive evidence of the offence.

Master or officer may apprehend deserters without warrant.

7. Whenever, either at the commencement, or during the progress of any voyage or cruise, any person subject to this Act neglects or refuses to join, or deserts from, or refuses to proceed on any voyage or cruise, in any vessel belonging to the Government of Canada in which he is duly engaged to serve, or is found otherwise absenting himself therefrom without leave, the master or any officer of such vessel may, in any place in Canada, with or without the assistance of the Police Constables appointed under the said Act, 31 Vict., chapter 73, who are hereby directed to give the same, if required, apprehend him without first procuring a warrant; and may thereupon in any case, and shall in case he so requires and it is practicable, convey him before some Commissioner of Police appointed under the said Act, or before some Justice of the Peace, to be dealt with according to law; and may, for the purpose of conveying him before such Commissioner or Justice, detain him in custody for a period not exceeding twenty-four hours or such shorter time as may be necessary, or may, if he does not so require, or if there is no such Commissioner or Justice, at or near the place, at once convey him on board; and if any such apprehension appears to the Commissioner or Justice before whom the case is brought, to have been made on improper or on insufficient grounds, the master or officer, who makes the same or causes the same to be made, shall incur a penalty not exceeding *one hundred dollars*; but such penalty, if inflicted, shall be a bar to any action for false imprisonment in respect of such apprehension.

Deserters may be sent on board in lieu of being imprisoned.

8. Whenever a person subject to this Act, is brought before any Commissioner of Police, or Justice of the Peace, on the ground of his having neglected or refused to join or proceed on any voyage or cruise, in any vessel belonging to the Government of Canada, in which he is engaged to serve, or of having deserted or otherwise absented himself therefrom without leave, such Commissioner or Justice, may, if the master or any officer thereof so requires, instead of committing the offender to prison, cause him to be conveyed on board for the purpose of proceeding on the voyage or cruise, or deliver him to the master or any officer of the vessel, to be by them so conveyed, and may in such case order any costs and expenses properly incurred by or on behalf of the master, by reason of the offence to be paid by the offender, and, if necessary to be deducted from any wages which he has then

then earned, or which by virtue of his then existing engagement he may afterwards earn.

Person imprisoned for desertion or breach of discipline may be sent on board before termination of sentence.

9. If any person subject to this Act is imprisoned on the ground of his having neglected or refused to join or to proceed on any voyage or cruise, in any vessel belonging to the Government of Canada in which he is engaged to serve, or of his having deserted or otherwise absented himself therefrom without leave, or of his having committed any other breach of discipline, and if during such imprisonment, and before his engagement is at an end, his services are required on board his vessel, any Justice may at the request of the master or of any officer thereof, cause such person to be conveyed on board his said vessel for the purpose of proceeding on the voyage or cruise, or to be delivered to the master or any officer of the same, to be by them so conveyed, notwithstanding that the termination of the period for which he was sentenced to imprisonment has not arrived.

Facilities for proving desertion so far as concerns forfeiture of wages.

10. Whenever a question arises, whether the wages of any person subject to this Act, are forfeited for desertion, it shall be sufficient for the party insisting on the forfeiture to show that such person was duly engaged in, or that he belonged to the vessel from which he is alleged to have deserted, and that he quitted such vessel before the completion of the period of his engagement, and that an entry of the desertion has been duly made in the log book; and thereupon the desertion shall, as far as relates to any forfeiture of wages or emoluments under the provisions hereinbefore contained, be deemed to be proved, unless the person can produce a proper certificate of discharge, or can otherwise show to the satisfaction of the Commissioner of Police or Justice of the Peace, hearing the case, that he had sufficient reasons for leaving his vessel.

"Master" to mean officer in command for the time being.

11. In all the preceding sections of this Act, except the second section, the word "master" shall include any person for the time being lawfully in command or in charge of any such vessel as aforesaid as the officer thereof highest in rank then on board ; and the ship's book of every such vessel shall be conclusive evidence of the relative rank of every officer therein named ; and the fact that any such officer was at any particular time in command or in charge of the vessel shall not, nor shall the signature of any such officer, as being so in command or in charge, be called in question except by the Crown.

Interpretation.

12. Every vessel employed by the Government of Canada, either temporarily or permanently, shall be deemed while so employed to belong to the Government for the purposes and within the true intent and meaning of this Act.

What Justices to have jurisdiction.

13. Any Justice of the Peace for the County or District in which is situated the port where the vessel, on board of which the offence has been committed, shall touch next after the time of its

its commission, shall have jurisdiction over an offence committed against the provisions of this Act, and any sentence of imprisonment under this Act may be carried out in the Common Gaol of such County or District.

CAP. XVII.

An Act respecting Certificates to Masters and Mates of Ships.

[*Assented to 12th May,* 1870.]

Preamble.

WHEREAS it is expedient to provide for the examination of, and grant of certificates of competency and service to persons intending to act as Masters and Mates, on board Ships registered in Canada: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

EXAMINATIONS AND CERTIFICATES OF MASTERS AND MATES OF SEA-GOING SHIPS.

Examinations to be instituted for masters and mates.

1. Examinations shall be instituted in the several Provinces of Quebec, Nova Scotia and New Brunswick, for persons, having been domiciled in Canada for at least three years, who intend to become masters or mates of sea-going ships registered in Canada; or who wish to procure certificates of competency for sea-going ships, hereinafter mentioned; and persons serving in ships registered in Canada shall be deemed to be domiciled in Canada while so serving; and, subject as herein mentioned, the Minister of Marine and Fisheries shall provide for the examinations at such places as he may see fit; and the Governor in Council may appoint examiners to conduct the same, and may regulate the same, and may determine the amount of the remuneration of such examiners.

Appointment of examiners.

Qualification of examiners.

The examiners first appointed under this section may be such persons as may produce proof, to the satisfaction of the Governor in Council, of their fitness and competency to act as such; but after three persons have been so appointed examiners, no person shall be appointed an examiner unless nor until he has himself passed a satisfactory examination, before two or more examiners, as to his fitness and competency to act as an examiner, and has received from them a certificate to that effect.

Rules for such examinations.

2. The Governor in Council may from time to time lay down rules as to the conduct of such examinations, and as to the qualifications of the applicants; and such rules shall be adhered to by all examiners.

3.

3. All applicants for examination shall pay, previous to examination, to such person as the Minister of Marine and Fisheries appoints for that purpose, the following mentioned fees, that is to say: for a certificate as master ten dollars; for a certificate as mate five dollars; and in the event of any applicant failing to procure his certificate of qualification, on his first examination, he will be entitled to a second examination without payment of any additional fee; but if he fail to procure his certificate of qualification on such second examination, he shall pay the same fee previous to any subsequent examination, as is hereby required to be paid previous to a first examination for the certificate he seeks to procure. Fees to be paid by applicants for examination.

4. Subject to the proviso hereinafter contained, the Minister of Marine and Fisheries may grant to every applicant who is duly reported by any of the examiners to have passed the examination satisfactorily, and to have given satisfactory evidence of his sobriety, experience, ability and general good conduct on board ship, a certificate (hereinafter called a certificate of competency for sea-going ships) to the effect that he is competent to act as master, or as first mate, or only mate, of a sea-going ship registered in Canada, as the case may be; provided that in every case in which the Minister of Marine and Fisheries has any reason to believe such report to have been unduly made, he may remit the case either to the same or to any other examiners, and may require a re-examination of the applicant, or a further enquiry into his testimonials and character, before granting him a certificate. Certificates of competency to be granted to those who pass, subject to certain provisions.

5. Certificates of service for sea-going ships, differing in form from certificates of competency, may be granted as follows (that is to say): Certificates of service to be granted to:

(1.) Every person who before the first day of January one thousand eight hundred and seventy, served as master in a sea-going ship, in any Province in Canada, or who has attained the rank of lieutenant, master, passed mate or second master in Her Majesty's Royal Navy, and who has produced satisfactory evidence at such examination of his sobriety, experience, ability and general good conduct on board ship, shall be entitled to a certificate of service as master for sea-going ships, on payment of a fee of five dollars. Persons who served as masters before 1870, and certain naval officers.

(2.) Every person who before the first day of January one thousand eight hundred and seventy, served as mate in a sea-going ship in any Province in Canada, and who has produced satisfactory evidence, in manner aforesaid, of his sobriety, experience, ability and general good conduct on board ship, shall be entitled to a certificate of service as first or only mate for sea-going ships, on payment of a fee of three dollars. Persons who served as mates before 1870.

And each of such certificates of service for sea-going ships, shall Particulars to be contained in certificates.

shall contain particulars of the name, place and time of birth, and of the length and nature of the previous service of the person to whom the same is issued; and thereupon the Minister of Marine and Fisheries, may issue such certificates of service to the various persons so respectively entitled thereto.

After 1st July, 1872, no ship over 150 tons, registered in Canada to cross the sea without certificate of master and mate.

6. After the first day of July, which will be in the year of our Lord, one thousand eight hundred and seventy-two, no ship registered in Canada over one hundred and fifty tons register tonnage, shall go to sea from any port or place in Canada, on a voyage to any port or place out of Canada, not being a port or place in either of the Colonies of Newfoundland or Prince Edward Island, or in the United States of America, unless the master and first mate or only mate thereof have obtained and possess valid certificates either of competency or service for sea-going ships, appropriate to their several stations in such ship, or of a higher grade, from the Minister of Marine and Fisheries, or valid certificates of competency, or service for foreign-going ships, appropriate to their several stations in such ship, or of a higher grade, from the Board of Trade in the United Kingdom, or valid certificates of competency appropriate to their several stations in such ships, or of a higher grade, granted in any British Possession and declared by order of Her Majesty in Council published in the "London Gazette" under the provisions of the Merchant Shipping (Colonial) Act 1869, or of any Act of the Parliament of the United Kingdom containing such provisions, to be of the same force as certificates of competency for foreign-going ships granted under the Acts of the Parliament of the United Kingdom relating to merchant shipping; and every person who having been engaged to serve as master or first mate, or only mate, of any sea-going ship registered in Canada, over one hundred and fifty tons register tonnage, goes to sea as aforesaid, after that date, as such master or mate, without being at the time entitled to and possessed of such a certificate either of competency or of service for seagoing ships, as hereinbefore required, or who employs any person as master, first mate, or only mate of any such sea-going ship as aforesaid, without first ascertaining that he at the time is entitled to and possessed of such certificate, shall for each such offence incur a penalty not exceeding one hundred dollars.

Penalty for contravention.

After July 1, 1872, certificates to be produced to clearing officer of Customs, and no ship to be cleared without such production.

7. After the first day of July, which will be in the year of our Lord, one thousand eight hundred and seventy-two, the master of every sea-going ship registered in Canada, over one hundred and fifty tons register, shall produce to every Officer of the Customs in Canada, to whom he applies for a clearance of such ship, on any such voyage by sea as aforesaid, the certificates of competency, or service, for sea-going ships, which the said master and his first mate, or only mate, are hereby required to possess; and no Officer of the Customs at any port in Canada, shall clear any such ship, on any such voyage as aforesaid, after that date, without such certificates being first produced to him; and if any master, mate, or other officer of any such ship attempts to sail, or take

take such ship to sea, from any port in Canada, on any such voyage as aforesaid, after that date, until this requirement of this Act has been fully complied with, such master, mate, or other officer, shall for every such offence incur a penalty of not exceeding one hundred dollars.

Penalty for attempting to go to sea in contravention of this Act.

8. When any master or mate proves to the satisfaction of the Minister of Marine and Fisheries, that he has without fault on his part, lost or been deprived of any certificate already granted to him, the Minister of Marine and Fisheries may, upon payment of one half the fee charged for the original certificate, cause a copy or duplicate of the original certificate to be made out and certified as aforesaid, and to be delivered to him.

In case of loss of certificate, a copy to be granted.

9. Every person who makes, or procures to be made, or assists in making, any false representation for the purpose of obtaining for himself or for any other person, a certificate either of competency or service, or who forges, assists in forging, or procures to be forged, or fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any such certificate or any official copy of any such certificate, or who fraudulently makes use of any such certificate which is forged, altered, cancelled or suspended, or to which he is not justly entitled, or who fraudulently lends his certificate to or allows the same to be used by any other person, shall for each offence be deemed guilty of a misdemeanor.

Penalties for false representation; for forging, or altering, or fraudulently using or lending any certificate.

10. The Board of Trade in the United Kingdom, or the Minister of Marine and Fisheries, may suspend or cancel the certificate (whether of competency or service) of any master or mate who has received a certificate from such Minister, in the following case, (that is to say,) if upon any investigation duly authorized by the Governor in Council, under section five of the Act of the Parliament of Canada, 32 and 33 Victoria, chapter 38, "*respecting inquiries and investigations into Shipwrecks and other matters,*" such master or mate is reported to be incompetent, or to have been guilty of any gross act of misconduct, drunkenness, or tyranny, or it is reported that the loss or abandonment of, or serious damage to any ship, or loss of life, has been caused by his wrongful act or default, or if it is shown, to the satisfaction of the said Board of Trade, or of the said Minister, that such certificate was granted on false or erroneous information.

Suspension and cancellation of certificates.

11. And every master or mate whose certificate is cancelled or suspended shall deliver it to the Minister of Marine and Fisheries or as he directs, unless he has already delivered it to the court or tribunal before whom his conduct was called in question in the course of the investigation upon which it is cancelled or suspended, and in default shall for each offence incur a penalty not exceeding two hundred dollars; and the Minister of Marine and Fisheries may at any subsequent time grant to any person whose certificate has

Suspended or cancelled certificate to be delivered up.

has been cancelled, a new certificate of the same or of any lower grade.

Certificates to be in duplicate.

12. All certificates, whether of competency or service, shall be made in duplicate, and one part shall be delivered to the person entitled to the certificate, and the other shall be kept and recorded in the Department of Marine and Fisheries; and all documents purporting to be certificates granted by the Minister of Marine and Fisheries in pursuance of this Act, and to be signed by him, shall be received in evidence, and shall be deemed to be such certificates without further proof, unless the contrary be shown; and whenever notice of the cancelling, suspending, altering or otherwise affecting by competent authority any such certificate, is received by the Department, there shall thereupon be made a corresponding entry in the record of certificates; and a copy, or duplicate, of any such certificate, purporting to be certified by the Minister of Marine and Fisheries, or his Deputy, shall be *primâ facie* evidence, as aforesaid, of such certificate; and a copy purporting to be so certified as aforesaid of any entry made as aforesaid in respect of any such certificate, shall be *primâ facie* evidence of the truth of the matter stated in such entry.

To be *primâ facie* evidence.

PREPARATION OF CANDIDATES FOR EXAMINATION.

Governor in Council may make provision for the instruction of candidates for examination.

13. The Governor may from time to time, by Order in Council, make provision for affording facilities for imparting to sea-faring men, desirous of becoming applicants for examination for certificates of competency, under this Act, such information as to the theory of navigation, as may fit them for such examination; and may defray the expenses incurred under any such Order in Council, out of any money that may be voted by the Parliament of Canada for that purpose.

Fees, how disposed.

14. All fees received under this Act shall be paid over to the Receiver General, and form part of the Consolidated Revenue Fund of Canada.

When this Act shall come into force.

15. This Act shall come into operation upon, from and after the day, not being earlier than the first day of January, one thousand eight hundred and seventy-one, appointed for that purpose in any Proclamation by the Governor to the effect that the same has been approved and confirmed by Her Majesty in Council, which day is hereinafter referred to as the commencement of this Act.

Section 547 of 17 and 18 Vict., c. 104, cited, and inconsistent provisions of said Act repealed.

16. And whereas, by section five hundred and forty seven of the Act of the Parliament of the United Kingdom, passed in the Session thereof held in the seventeenth and eighteenth years of Her Majesty's Reign, chapter one hundred and four, "to amend and consolidate the Acts relating to Merchant Shipping" known as "The Merchant Shipping Act, 1854," it is enacted, that the legislative authority of any British possession shall have power, by any Act or Ordinance, confirmed by Her Majesty in Council, to

to repeal, wholly or in part, any provisions of the said Act relating to ships registered in such possession; therefore, upon, from and after the commencement of this Act, so much of the provisions of the said Act, and of any Act of the said Parliament amending the same, and forming and to be construed as part thereof, relating to ships registered in Canada, as is inconsistent with this Act, shall be repealed; and sections one, two, three, four, five, six, seven and eight of part the first "*Of Shipping and Seamen,*" of chapter seventy-five of the Revised Statutes of Nova Scotia (third series) shall also be repealed upon, from and after the same date; but this repeal shall not affect the past operation of any of the said provisions or sections, or the validity of anything already done, or of any certificate already granted, or any right, title, obligation or liability already accrued thereunder.

Repeal of inconsistent enactments.

Sections 1 to 8, cap. 75 of R. S. N. S. repealed.

Proviso.

CAP. XVIII.

An Act to amend the Act relating to Light-Houses, Buoys and Beacons.

[*Assented to 12th May*, 1870.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— **Preamble.**

1. For and notwithstanding anything to the contrary contained in the Act passed in the thirty-first year of Her Majesty's Reign, Chapter fifty-nine, intituled "*An Act relating to Light-Houses, Buoys and Beacons,*" or any other Act, the Minister of Marine and Fisheries may direct the construction of all Light-Houses, light-ships, floating and other lights, lanterns, and other signals, buoys, beacons, anchors, and land-marks, and of all buildings and other works belonging thereto and in connection therewith, hereafter to be constructed at the expense of Canada for the greater security and facility of navigation, the construction of any of which is by Order of the Governor in Council, placed under the direction of the said Minister, as well as the maintenance and repair of the same when constructed and the maintenance and repair of all similar buildings and other works placed under his direct control and management by the said Act or by this Act; but nothing in this Act shall give authority to the said Minister to cause expenditure not previously sanctioned by Parliament.

The Minister of Marine and Fisheries to direct construction of Lighthouses, etc.

Proviso.

2. The words "Lights, Buoys and Beacons" in the said Act shall be construed to mean and include all Light Ships, floating and other lights, lanterns, and other signals, anchors, and land-marks erected, placed or laid down, as therein mentioned, for the greater security and facility of navigation. **Interpretation of certain words.**

3. The ninth section of the said Act is hereby repealed; and all Light-houses, light-ships, floating and other lights, lanterns, and other **Sec. 9, of 31 Vict., c. 59, repealed.**

other signals, buoys, beacons, anchors, and land-marks, in the said section or elsewhere in the said Act mentioned, together with all buildings and other works belonging thereto, and in connection therewith, are hereby declared to be under the direct control and management of the said Minister, anything in any Act or law to the contrary notwithstanding.

Taking away light, buoy or beacon a misdemeanor. By whom triable.

4. Whoever shall wilfully take away, destroy, deface, extinguish, or remove any light-house, light-ship, floating or other light, lantern, or other signal, buoy or beacon, anchor or landmark, constructed, erected, laid down, placed or replaced under this Act, shall be guilty of a misdemeanor, for which he may be tried, either on an indictment in the usual way, before any Court having cognizance of cases of misdemeanor in the county or district in which the offence is committed, or summarily before any Stipendiary Magistrate, or Police Magistrate, or Judge of the Sessions of the Peace, or two Justices, within the limits of whose jurisdiction the offence is committed.

Annual Report to the Governor to be laid before Parliament.

5. The Minister shall make and submit to the Governor, an annual Report on all the works under his control, to be laid before both Houses of Parliament within fifteen days from the commencement of each Session, showing the state of each work and the amounts received and expended in respect thereof, with such further information as may be requisite.

Tenders to be invited for works, etc.

6. It shall be the duty of the Minister to invite tenders by public advertisement for the execution of all works, except in cases of pressing emergency, where delay would be injurious to the public interest.

Security to be taken from contractors.

7. The Minister, in all cases where any public work is being carried out by contract under his direction, shall take all reasonable care that good and sufficient security be given to and in the name of Her Majesty for the due performance of the work, within the amount and time specified for its completion; and also in all cases where it seems to the Minister not to be expedient to let such work to the lowest bidder, it shall be his duty to report the same and obtain the authority of the Governor in Council, previous to passing by such lowest tender.

Provision, when the lowest tender is not taken.

Power to take possession of, and to acquire lands.

8. The Minister may at all times acquire and take possession, for and in the name of Her Majesty, of any land or real estate, the appropriation of which is in his judgment necessary for the use, construction and maintenance of any Public Work or building under his control and management, or for the enlargement or improvement of any such Public Work or building, or for obtaining better access thereto; and he may for such purpose contract and agree with all persons, bodies corporate, guardians, tutors, curators and trustees whatsoever, not only for themselves, their heirs, successors and assigns, but also for and on the behalf of those whom they represent, whether infants, (minor children) absentees,

absentees, lunatics, married women, or other persons otherwise incapable of contracting, possessed of or interested in such land, or real estate; and all such contracts and agreements, and all conveyances or other instruments made in pursuance of any such contract or agreement, shall be valid to all intents and purposes whatsoever.

Parties enabled to contract.

9. For all purposes preliminary to and consequent upon such acquiring and taking possession of land or real estate as aforesaid, as well as for the giving of contracts, and all other purposes of this Act, the said Minister and the surveyors, engineers, contractors, agents, servants and workmen, employed by or under him, shall have the same powers, and be subject to the same conditions, limitations and restrictions as are conferred and imposed upon the Minister of Public Works, and like persons employed by or under him, by the Act "*respecting the Public Works of Canada,*" passed in the thirty-first year of Her Majesty's Reign, chapter twelve.

For certain purposes, the Minister of Marine and Fisheries to have the powers conferred on the Minister of Public Works by 31 V., c. 12.

CAP. XIX.

An Act to amend the Act respecting the treatment and relief of sick and distressed Mariners.

[*Assented to 12th May,* 1870.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. No vessel engaged in the coasting trade of Canada, and arriving in any port in any of the Provinces of Quebec, Nova Scotia, and New Brunswick, from any other port in the same Province, or arriving in any port in the Province of Quebec from any port in the Province of Ontario, shall be subject to the payment of the duty of two cents per ton imposed by the Act passed in the thirty-first year of Her Majesty's reign, and intituled: "*An* "*Act respecting the treatment and relief of sick and distressed* "*Mariners*": anything in the said Act to the contrary notwithstanding: Provided always, that no vessel arriving at any port in Canada from any place out of Canada, and afterwards continuing her voyage to another port in the same Province, or in any other Province in Canada, shall be exempt from the payment of the said duty at the last mentioned port, unless she has paid it at the first mentioned or some other port on the same voyage; but (except in the case of a vessel arriving at a port in Quebec from a port in Ontario), unless the duty has been so paid at some other port on the same voyage, no vessel arriving at any port in any one of the Provinces, from any port not within the same Province, shall be exempt from the payment of such duty, whether her voyage be, or

Exemptions from tonnage duty under 31 Vict., c. 64.

Proviso: As to vessels arriving at one Port and continuing their voyage to another.

or be not, one requiring entry or clearance at the Custom House; and if she do not require entry the duty shall be paid immediately on her arrival.

Sections 5 and 7 of 31 Vict., c. 64, not to apply to sick mariners of vessels exempted as aforesaid.

2. Provided always, that the fifth and seventh sections of the Act hereinbefore cited shall not apply to sick mariners belonging to vessels exempted from paying the duties imposed by the said Act, and no mariners belonging to any such vessel shall be gratuitously received and treated in any Hospital designated and appointed for the reception of sick mariners under the said Act, nor shall any provision be made by any collector or other chief officer of customs, for their medical or surgical care or treatment in any other hospital or house, out of any money collected under the said Act, unless by the special authority of the Minister of Marine and Fisheries.

CAP. XX.

An Act to amend and extend the Act to provide means for improving the Harbors and Channels at certain Ports in the Provinces of the Dominion.

[*Assented to 12th May*, 1870.]

Preamb'e. 32 and 33 Vic., c. 40 cited.

WHEREAS it is expedient to amend the Act to provide means for improving the Harbors and Channels at certain Ports in the Provinces of the Dominion, passed in the Session held in 32nd and 33rd years of Her Majesty's Reign; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Section 2 amended.

1. Section two of the said Act shall be and is hereby so amended as to read as follows:

How and where the duty shall be payable.

" Any duty so imposed as aforesaid shall be collected by the " Collector of Customs or other officer or person authorized by " the Minister of Customs to collect the same, at the Port at " which it is payable, at the time of the entry of the vessel (if " she be entered at the Custom House) and her entry shall then " contain on the face of it the registered tonnage of the vessel; " and no vessel shall be entered, or if entered shall be allowed to " clear or to leave such Port, without payment of such duty, and " any such vessel may be detained by the Collector or other " officer or person authorized as aforesaid, until it is paid, whether " such vessel be or be not entered at the Custom House; but such " duty shall be payable only once in twelve calendar months, to " be reckoned from the day upon which such payment shall be " made, on any vessel not exceeding one hundred tons register,—

" and

"and not more than twice in any twelve calendar months (to "be similarly computed), on any vessel exceeding one hundred "tons, registered measurement, that is to say:—on any vessel "not exceeding one hundred tons register, the duty shall be "payable on her first entry into such Port during any twelve "months, but not on any subsequent entry into the same within "the twelve months immediately following; and on any vessel "exceeding one hundred tons register, the duty shall be payable "on her first entry during any twelve months, and on her second "entry into such Port within twelve months from the date of "such first entry, but not on any subsequent entry during the "said twelve months."

On vessels not over 100 tons;

On vessels over 100 tons.

And the said Section as so amended shall be construed as if it had formed Section two of the said Act, at the time of the passing thereof.

2. The said duty shall be payable on any vessel entering into any such Port, and such vessel may be detained until it is paid, whether she do or do not require entry or clearance at the Custom House; and the master or person in charge of any vessel on which such duty is payable, who does not pay the same within two days after entering such Port, shall thereby incur a penalty of fifty dollars, recoverable before any Justice of the Peace having jurisdiction at such Port, and leviable, if not forthwith paid, on the tackle and apparel of the vessel.

How enforced if not paid.

3. The said Act, as hereby amended, is hereby extended and shall apply to Aspy Bay or Cape North Harbor, and Southern Bay, Inganiche, both in Victoria County, in the Province of Nova Scotia, as fully in all respects as to the ports and harbors mentioned in the said Act.

Act extended to certain ports in Nova Scotia.

CAP. XXI.

An Act respecting the First Census.

[*Assented to* 12*th May*, 1870.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Preamble.

1. The first Census of Canada, to be taken in the year 1871, hereinafter termed "The Census," shall be so taken as to ascertain and show, with the utmost accuracy possible, in respect of each of the four Provinces, and of each of the Electoral Districts and other

What shall be ascertained and shown by the Census.

recognised

recognised subdivisions thereof, all statistical information which can conveniently be obtained and stated in tabular form, touching—their population and the classification thereof, as regards age, sex, social condition, religion, education, race, occupation, and otherwise,—the houses and other buildings therein, and their classification, as dwellings, inhabited, uninhabited, under construction, and otherwise,—the occupied land therein, and the condition thereof, as town, village, country, cultivated, uncultivated, and otherwise,—the aggregate valuation of property, real and personal therein,—the produce, state and resources of the agricultural, fishing, lumbering, mining, mechanical, manufacturing, trading and other industries thereof,—the municipal, educational, charitable and other institutions thereof,—and whatever other matters may be specified in the forms and instructions to be issued, as hereinafter is provided.

Details, forms, and procedure to be such as the Governor in Council may direct. Proviso.

2. The details of such information, the forms to be used and procedure to be followed for the obtaining thereof, and the period at which, and date or dates with reference to which, the census shall be taken,—whether generally, or for any specified localities requiring to be exceptionally dealt with in any of these respects,—shall be such as the Governor in Council by Proclamation shall direct; provided always, that such period for taking the Census shall not be later than the first of May.

Minister of Agriculture to prepare forms.

3. The Minister of Agriculture shall cause all such forms, and also all instructions which he shall deem requisite in respect of the Census, to be duly prepared, printed and issued, for use by the persons to be employed in the taking thereof.

Governor in Council to divide each Province into Census Districts;

4. The Governor in Council, by Proclamation, shall divide each of the four Provinces into Census Districts, to correspond as nearly as may be with the several Electoral Districts under "The British North America Act, 1867,"—but subdividing any thereof, or adding adjacent territory to any thereof, or grouping together any thereof or any parts thereof, wherever such subdivision, addition or grouping may be deemed convenient,—and forming all other territory not comprised within an Electoral District, into so many and such Census Districts as may be deemed convenient.

And the Census Districts into Census Sub-Districts.

5. The Governor in Council, by Proclamation, shall further divide every Census District into Census Sub-districts, to correspond as nearly as may be with the Municipal or other recognized divisions thereof,—but sub-dividing any thereof, or adding adjacent territory to any thereof, or grouping together any thereof or any parts thereof, wherever such sub-division, addition or grouping may be deemed convenient,—and forming all other territory not comprised within such Municipal or other divisions, into so many and such Census Sub-districts as may be deemed convenient.

6.

6. The Governor in Council shall appoint for each Census District, one Census Commissioner. **Census Commissione for each District,**

7. In any case where it may be deemed convenient, there may be appointed by or under authority of the Governor in Council, in such manner and with such relative powers and duties, and such share of emoluments, as shall be laid down by Order in Council, one or more Deputies for the purpose of aiding any of such Census Commissioners. **And deputies when necessary.**

8. There shall be appointed by or under authority of the Minister of Agriculture, in such manner and subject to such rules in that behalf as shall be laid down by Order in Council, one or more Enumerators for every Census Sub-district; and in every case where more than one Enumerator is appointed, the powers and duties of such Enumerators shall be such as the instructions of the Minister of Agriculture shall assign to each, whether territorially or otherwise. **One or more Enumerators for each Census Sub-district.**

9. The Minister of Agriculture shall cause the requisite supply of forms and instructions to be duly distributed, through the several Census Commissioners, to every Enumerator. **Minister of Agriculture to cause forms to be distributed.**

10. Each Census Commissioner shall further see that every Enumerator under his superintendence thoroughly understands the manner in which the duties required of him are to be performed,—and uses due diligence in the performance thereof. **Commissioners to instruct and oversee Enumerators.**

11. Every Enumerator, by domiciliary visits to every house and careful personal inquiry, shall ascertain in detail, with the utmost accuracy possible, all the statistical information with which he is required to deal, and no other,—and shall make an exact record thereof, and attest the same under oath,—and shall see that such attested record is duly delivered to the Census Commissioner under whose superintendence he is placed; the whole, in all respects as by the forms and instructions issued to him shall be required. **Duties of Enumerators in taking the Census.**

12. The Census Commissioner shall examine all such records, and satisfy himself how far each Enumerator has performed the duties required of him,—and shall note all apparent defects and inaccuracies in such records, and require the several Enumerators concerned therewith, to assist him in respect thereof,—and with their assistance shall correct the same so far as may be found requisite and possible, noting always whether such corrections are concurred in by them or not, and shall make return,—attested under oath, of his doings in the premises,—and shall transmit the same, together with all the records in question, to the Minister of Agriculture; the whole in all respects as by the forms and instructions issued to him shall be required. **Commissioners to examine the work of Enumerators, and correct it, and return it attested.**

13.

Duty of Minister of Agriculture in examining Returns, and causing them to be corrected and completed, and laid before Parliament.

13. The Minister of Agriculture shall cause all such returns and records, to be examined, and any defects or inaccuracies discoverable therein to be corrected so far as possible,—and shall obtain, so far as possible, by such ways and means as may be deemed convenient, any statistical information requisite for the due completion of the Census, which cannot be or is not obtained with the required fulness and accuracy by means of such returns and records,—and shall cause to be prepared, that the same may be laid before Parliament, with all practicable despatch, abstracts and tabular statements shewing the results of the Census as fully and accurately as possible.

Commissioners and other Census Officers to take an oath of office.

14. Every Census Commissioner, Enumerator, and other person employed in the execution of this Act,—whether for the obtaining in the first instance of any information sought by the Census, or for revising or compiling the same, or otherwise dealing therewith, or for enquiring into any matter connected with the taking of the Census,—before entering on his duties, shall take and subscribe an oath binding him to the faithful and exact discharge of such duties, in such form, before such person, and returned and recorded in such manner, as by Order in Council shall be prescribed.

Any wilful neglect, or false return, etc., to be a misdemeanor.

15. Any such Census Commissioner, Enumerator, or other person employed in the execution of this Act, making wilful default in any matter required of him by this Act, or making any wilfully false declaration touching any such matter, shall be guilty of a misdemeanor.

Census Commissioners, and others, acting under this Act, to have access to public records etc.

16. Every person having custody or charge of any Provincial, Municipal or other public records or documents, or of any records or documents of any Corporation, from which information sought by the Census or which would aid in the completion or correction thereof, can be obtained, shall grant to any Census Commissioner, Enumerator, or other person deputed to that end by the Minister of Agriculture, reasonable access thereto for the obtaining of such information therefrom; and every such person wilfully or without lawful excuse refusing or neglecting so to do, and every person wilfully hindering or seeking to prevent or obstruct such access, or otherwise in any way wilfully obstructing or seeking to obstruct any person employed in the execution of this Act, shall be guilty of a misdemeanor.

Penalty for refusing such access.

Penalty for neglecting to fill up any Schedule, etc.

17. Every person who wilfully or without lawful excuse, refuses or neglects to fill up to the best of his knowledge and belief, any schedule which he shall have been required to fill up by any Enumerator or other person employed in the execution of this Act,—or refuses or neglects to sign and deliver back or otherwise return the same when and as so required,—or makes, signs, delivers or returns, or causes to be made, signed, delivered or returned, any false answer or statement as to any matter specified in such schedule,—shall thereby incur a penalty of not less than ten nor more than forty dollars.

18.

18. Every person who without lawful excuse refuses or neglects to answer, or who wilfully answers falsely, any question requisite for obtaining any information sought by the Census or pertinent thereto, which shall have been asked of him by any Enumerator or other person employed in the execution of this Act, shall for every such refusal or neglect or wilfully false answer, incur a penalty of not less than five nor more than twenty dollars.

And for refusing to answer lawful questions, etc.

19. The penalties hereinbefore imposed may be recovered in a summary manner at the suit of any Census Commissioner, Enumerator, or other person employed in the execution of this Act, before any one Justice of the Peace having jurisdiction in the place where the offence has been committed, on the oath of the prosecutor or of one credible witness; and one moiety thereof shall belong to the Crown for the public uses of the Dominion, and the other moiety to the prosecutor, unless he has been examined as a witness to prove the offence, in which case the whole shall belong to the Crown for the uses aforesaid.

Penalties—how to be recovered and appropriated.

20. Whenever the Minister of Agriculture deems it convenient, he may by special letter of instruction direct any Census Commissioner, or other person employed in the execution of this Act, to make enquiry under oath, as to any matter or matters connected with the taking of the Census, or the ascertaining or correcting of any supposed defect or inaccuracy therein; and such Census Commissioner or other person shall then have the same power as is vested in any Court of law in civil cases, of summoning any party or witnesses, of enforcing their attendance, and of requiring and compelling them to give evidence on oath, whether orally or in writing, and to produce such documents and things as he deems requisite to the full investigation of such matter or matters.

Minister of Agriculture may direct enquiry into matters connected with the Census: Powers, etc., of the Census Commissioners or other person making such enquiry.

21. Any letter purporting to be signed by the Minister of Agriculture, or by his Deputy, or by any other person thereto authorised under Order in Council, and notifying any appointment or removal of, or setting forth any instructions to, any person employed in the execution of this Act,—and any letter signed by any Census Commissioner, or other person thereto duly authorised, notifying any appointment or removal of, or setting forth any instructions to, any person so employed under the superintendence of the signer thereof,—shall be, respectively, *primâ facie* evidence of such appointment, removal, or instructions, and that such letter was signed and addressed as it purports to be.

Certain letters and documents to be *prima facie* evidence of appointment, removal, etc.

22. Any document or paper, written or printed, purporting to be a form authorised for use in the taking of the Census, or to set forth any instructions relative thereto, which is produced by any person employed in the execution of this Act, as being such form, or as setting forth such instructions, shall be presumed to have been supplied by the proper authority, to the person so producing

And so of forms and instructions.

producing the same, and shall be *primâ facie* evidence of all instructions therein set forth.

Leaving a schedule by Enumerator to be sufficient; requirement to fill up the same.

23. The leaving, by any Enumerator, at any house or part of a house, of any schedule purporting to be issued under this Act, and having thereon a notice requiring that the same be filled up and signed within a stated delay by the occupant thereof, or in his absence by some other member of the family, shall be a sufficient requirement as against such occupant, though not named in such notice, nor personally served therewith, so to fill up and sign such schedule.

Minister of Agriculture to prepare tables of allowances as remuneration under this Act, to be laid before Parliament when approved by Governor in Council.

24. The Minister of Agriculture shall cause to be prepared one or more tables, setting forth the rates of allowances or remuneration for the several Census Commissioners and Enumerators employed in the execution of this Act, not, however, to exceed, in the aggregate, a total amount of three dollars for each day of proved effective service for any Enumerator, or of four dollars for each day of like service for any Census Commissioner; and the same, when approved by Order in Council, shall be laid before Parliament, on or before the first day of March 1871, if Parliament be sitting, or if Parliament be not sitting, then within the first fifteen days of the Session next ensuing.

To whom and when payable.

25. Such allowances or remuneration shall be paid to the several persons entitled thereto, in such manner as the Governor in Council shall direct; but shall not be payable, until the services required of the person receiving the same have been faithfully and entirely performed.

To be paid out of monies to be provided by Parliament.

26. Such allowances and remuneration, and all expenses to be incurred in carrying this Act into effect, shall be paid out of such moneys as shall be provided by Parliament for that purpose.

Full Reports of things done under this Act to be laid before Parliament.

27. A full report of all things done under this Act, and an account of all moneys expended under the authority thereof, shall be laid before Parliament within the first fifteen days of the next Session thereof, and of each Session thereafter, until such time as all things requiring to be done under this Act shall have been fully completed.

Interpretation.

28. The word "house" in this Act includes all ships, vessels and other dwellings or places of abode of any kind.

Civil Service Act not to apply.

29. Nothing in "The Canada Civil Service Act, 1868," contained, shall be held applicable to any appointment, employment, or service, under this Act.

Repeal of inconsistent enactments.

30. The first twenty-four Sections of the Act, Chapter thirty-three of the Consolidated Statutes of the late Province of Canada, so much of Chapter thirty-five of the Revised Statutes of Nova Scotia as relates to the taking of a Census, and all other Acts and parts

parts of Acts in force in any of the Provinces relative to a Census, are hereby repealed.

31. This Act may be cited as "*The Census Act*"; and all things lawfully done or required to be done, by or under authority of any Proclamation, Order in Council, or Instruction by this Act provided for or contemplated, shall be held to be done or required, and may be set forth as done or required, under authority of this Act. **Short title of this Act, etc.**

CAP. XXII.

An Act to facilitate the signing of Militia Commissions.

[*Assented to* 12*th May*, 1870.]

HER MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— **Preamble.**

1. The Governor may cause his signature to be affixed to any Commission in the Militia, to be granted or issued under the *Act respecting the Militia and the defence of the Dominion of Canada*, by stamping the same on such Commission with a stamp approved by him, and used for the purpose by his authority, and the signature so affixed, shall be, to all intents and purposes, as valid and effectual, as if in the handwriting of the Governor; and neither the authenticity of any such stamped signature, nor the authority of the person by whom it has been affixed to any Commission, shall be called in question, except on behalf of the Crown; and the forging or counterfeiting of any such stamped signature, or the uttering thereof, knowing it to be forged or counterfeited, shall be felony, punishable in like manner as the forgery of the Governor's Privy Seal or Seal-at-Arms. **The Governor's signature to such Commissions may be affixed by stamping.**

CAP. XXIII.

An Act to extend the powers of the Official Arbitrators, to certain cases therein mentioned.

[*Assented to* 12*th May*, 1870.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— **Preamble.**

1.

Certain claims may be referred to the official arbitrators appointed under the Public Works Act 31 Vict., c. 12.

1. If any person or body corporate now has or shall hereafter have, any supposed claim upon the Government of Canada, for property taken for any public use, service or purpose, not coming within the purview of the Act passed in the thirty-first year of Her Majesty's Reign, chaptered twelve, and intituled "An Act respecting the Public Works of Canada," or for alleged, direct or consequent damages to property, arising out of any thing heretofore done or hereafter to be done by the Government of Canada, and not coming within the purview of the said Act, or arising out of any death, or any injury to person or property on any railway, canal, or public work under the control and management of the Government of Canada, or arising out of or connected with the execution or fulfilment, or on account of deductions made for non-execution or non-fulfilment, of any contract entered into with the Head of any department of the Government of Canada, either in the name of Her Majesty, or in any other manner whatsoever,—such person or body corporate, may give notice in writing of such claim to the Secretary of State of Canada, stating the particulars thereof, and how the same has arisen; which notice the Secretary of State shall refer to the Head of the Department with respect to which the claim has so arisen, who shall then have, with respect to such claim, power to tender satisfaction, and if it be not accepted, to refer the claim to one or more of the Official Arbitrators appointed under the said Act, and the said Official Arbitrators shall then have power to hear and award upon such claim, —and all the provisions of the said Act with respect to cases referred to arbitration, and to the powers of the Arbitrators, and proceedings by or before them, shall apply to such claim, to the Head of the Department concerned, and to the said Official Arbitrators, respectively, in so far as they may not be inconsistent with this Act.

Limitation of time for submitting clams.

Reference not to be obligatory.

2. Provided always, that no claim shall be submitted to Arbitration, or entertained under this Act, unless it be made within three months after the passing thereof, or within six months after the occurrence of the accident, or the doing or not doing of the act, upon which the claim is founded; nor shall anything herein contained be construed as making it imperative on the Government to entertain any claim under this Act, but the said Head of the Department concerned shall refer to Arbitration such claims only as he may be instructed so to refer by the Governor in Council.

CAP. XXIV.

An Act respecting certain Works on the Ottawa River.

[*Assented to* 12*th May,* 1870.]

Preamble.

WHEREAS, by the ninety-first section of the British North America Act, 1867, it is in effect enacted, that the exclusive

exclusive legislative authority of the Parliament of Canada extends (among other subjects) to all matters relating to navigation and shipping,—and to such classes of subjects as are expressly excepted in the enumeration of the classes of subjects by the said Act assigned exclusively to the legislatures of the Provinces,—and by the ninety-second section of the said Act, such works as, although wholly situate within any Province, are before or after their execution, declared by the Parliament of Canada to be for the general advantage of Canada, or for the advantage of two or more of the Provinces, are expressly excepted in the enumeration of the classes of subjects by the said Act assigned exclusively to the legislatures of the Provinces;—And, whereas, the Ottawa River is a navigable river, and is in fact navigated throughout its whole course, and such works thereon, as may be important to the navigation of the said river are for the general advantage of Canada, and ought to be subject to the control and direction of the Government of the Dominion; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Navigation of the River Ottawa to be subject to the exclusive authority of Parliament, with all works connected with the same, or in or on the waters of the River, and under the control of the Department of Public Works.

1. The navigation of the River Ottawa, as well by vessels and boats as by rafts and cribs of timber or logs, is hereby declared to be subject to the exclusive legislative authority of the Parliament of Canada, and all canals or other cuttings for facilitating such navigation, and all dams, slides, piers, booms, embankments, and other works of what kind or nature soever in the channel or waters of the said River, or in which the waters of the said River are used, and in whatever Province situate, and whether constructed or to be constructed, and whether constructed by the Government of Canada or by the Government of the late Province of Canada, or by the Government of Upper or of Lower Canada, or by any private party by the consent and authority of any of the said Governments, which shall, from time to time, be recognized by the Governor in Council, on the report of the Minister of Public Works, as being or as having been, constructed for any purpose of public utility, shall be held to be works for the general advantage of Canada, and, with all works of like character, no matter by whom constructed and whether recognized as being for the general advantage or not, situate in or on the waters of the said River, shall be subject to the exclusive legislative authority of the Parliament of Canada, and shall be under the control and management of the Department of Public Works, and subject to the provisions of the Act, intituled, "An Act respecting the Public Works of Canada."

CAP.

CAP. XXV.

An Act to amend the Act respecting the extradition of certain offenders to the United States of America.

[*Assented to* 12*th May,* 1870.]

Preamble. Act 31 V., c. 94, cited.

IN amendment of the Act passed in the thirty-first year of Her Majesty's reign, intituled *An Act respecting the treaty between Her Majesty and the United States of America, for the apprehension and surrender of certain offenders,* Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Part of Sect. 1 repealed.

1. So much of the first section of the said Act as is in the words following, that is to say: "or any Police Magistrate or Stipendiary "Magistrate in Canada, or any Judge of the Sessions of the Peace "in the Province of Quebec, or any Inspector and Superintendent "of Police empowered to act as a Justice of the Peace in the "Province of Quebec,"—shall be and is hereby repealed, except only as respects any proceedings commenced by or before any of the functionaries therein mentioned, before the coming into force of this Act, which may be continued and completed as if this Act had not been passed: but nothing herein contained shall be construed to prevent any person holding any of the said offices from being appointed under the said section to be a Commissioner for the purposes of the said Act.

Proviso.

CAP. XXVI.

An Act to amend the Act respecting Perjury.

[*Assented to* 12*th May,* 1870.]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Section 3 of 32 & 33 Vict., c. 23, amended

1. The Third Section of the Act passed in the Session held in the thirty-second and thirty-third years of Her Majesty's Reign, chapter twenty-three, intituled "An Act respecting Perjury" is hereby so amended as to read as follows:—

As to perjury committed in any Province in Canada, in respect of a document to be used in another.

"**3.** Any person who wilfully and corruptly makes any false affidavit, affirmation, or declaration, out of the Province in which it is to be used, but within the Dominion of Canada, before any functionary authorized to take the same for the purpose of being used in any Province of Canada, shall be deemed guilty of Perjury, in

in like manner as if such false affidavit, affirmation or declaration had been made in the Province in which it is used, or intended to be used, before a competent authority; and such person may be dealt with, indicted, and tried, and if convicted, may be sentenced, and the offence may be laid and charged to have been committed, in that district, county or place in which he has been apprehended, or is in custody:"

and the said Act shall be construed and have effect as if the said section had, at the time of the passing of the Act, been worded as hereby amended. Effect of amendment.

CAP. XXVII.

An Act to amend the Act respecting the Duties of Justices of the Peace out of Sessions in relation to Summary Convictions and Orders.

[*Assented to* 12*th May*, 1870.]

WHEREAS, it is expedient to amend Sections sixty-five and seventy-one of the Act respecting the duties of Justices of the Peace out of Sessions in relation to summary convictions and orders; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble, 32-33 V., c. 31.

1. Section sixty-five of the said Act is hereby repealed, and the following section substituted: New Section in place of Section 65.

" 65. Unless it be otherwise provided in any special Act under " which a conviction takes place or an order is made by a Justice " or Justices of the Peace, any person who thinks himself " aggrieved by any such conviction or order, may appeal in the " Province of Quebec or Ontario, to the next Court of General or " Quarter Sessions of the Peace; or in the Province of Quebec, to " any other Court for the time being discharging the functions of " such Court of General or Quarter Sessions of the Peace in and " for any district therein; in the Province of Nova Scotia, to " the Supreme Court in the county where the cause of the " information or complaint has arisen; and in the Province of " New Brunswick, to the County Court of the County where the " cause of the information or complaint has arisen: Such right of " appeal shall be subject to the conditions following: Appeal given from any conviction or order of a Justice or Justices of the Peace. Conditions o appeal.

" 1. If the conviction or order be made more than twelve days " before the sittings of the court to which the appeal is given, " such appeal shall be made to the then next sittings of such " court; Time for appeal.

" court; but if the conviction, or order, be made within twelve " days of the sittings of such court then to the second sittings " next after such conviction or order;

Notice to or for prosecution.

" 2. The person aggrieved shall give to the prosecutor or complainant, or to the convicting Justice or one of the convicting " Justices, for him, a notice in writing of such appeal, within four " days after such conviction or order;

Persons so appealing to remain in custody, or give security, or in certain cases to deposit money as security.

" 3. The person aggrieved shall either remain in custody until " the holding of the Court to which the appeal is given, or shall " enter into a recognizance, with two sufficient sureties, before a " Justice or Justices of the Peace, conditioned personally to appear " at the said Court, and to try such appeal, and to abide the " judgment of the Court thereupon, and to pay such costs as shall " be by the Court awarded; or if the appeal be against any " conviction or order, whereby only a penalty or sum of money is " adjudged to be paid, the person aggrieved may, (although the " order direct imprisonment in default of payment,) instead of " remaining in custody as aforesaid, or giving such recognisance " as aforesaid, deposit with the Justice or Justices convicting or " making the order such sum of money as such Justice or Justices " deem sufficient to cover the sum so adjudged to be paid, together " with the costs of the conviction or order, and the costs of the " appeal; and upon such recognisance being given, or such deposit " made, the Justice or Justices before whom such recognisance is " entered into, or deposit made, shall liberate such person if in " custody;

Court to hear and determine the appeal, if the conviction or order is affirmed.

" And the Court to which such appeal is made shall thereupon " hear and determine the matter of appeal, and make such order " therein, with or without costs to either party, including costs of " the court below, as to the Court seems meet; and, in case of the " dismissal of the appeal or the affirmance of the conviction or " order, shall order and adjudge the offender to be punished " according to the conviction, or the Defendant to pay the amount " adjudged by the said order, and to pay such costs as may be " awarded; and shall, if necessary, issue process for enforcing the " judgment of the court; and in any case where, after any such " deposit has been made as aforesaid, the conviction or order is " affirmed, the Court may order the sum thereby adjudged to be " paid, together with the costs of the conviction or order, and the " costs of the appeal, to be paid out of the money deposited, and " the residue, if any, to be repaid to the Defendant; and in any case " where, after any such deposit, the conviction or order is quashed, " the Court shall order the money to be repaid to the Defendant; " and the said court shall have power, if necessary, from time to " time, by order endorsed on the conviction or order, to adjourn " the hearing of the appeal from one sittings to another, or others, " of the said court;

If quashed. Power to adjourn proceedings.

" In

"In every case where any conviction or order is quashed on "appeal as aforesaid, the Clerk of the Peace or other proper officer "shall forthwith endorse on the conviction or order a memorandum "that the same has been quashed; and whenever any copy or "certificate of such conviction or order is made, a copy of such "memorandum shall be added thereto, and shall, when certified "under the hand of the Clerk of the Peace, or of the proper officer "having the custody of the same, be sufficient evidence in all "Courts and for all purposes, that the conviction or order has "been quashed."

Memorandum of quashing to be made. Its effect.

2. Section seventy-one of the said Act is repealed, and the following substituted therefor:

Section 71 repealed.

"71. No conviction or order affirmed, or affirmed and amended "in appeal, shall be quashed for want of form, or be removed by "certiorari into any of Her Majesty's Superior Courts of Record; "and no warrant or commitment shall be held void by reason of "any defect therein, provided it be therein alleged that the party "has been convicted, and there be a good and valid conviction to "sustain the same."

No conviction approved may be removed by certiorari, &c.

3. And whereas, in some of the Provinces of Canada, the terms or sittings of the General Sessions of the Peace or other Courts to which, under section seventy-six of the said Act, Justices of the Peace are required to make Returns of convictions had before them, may not be held as often as once in every three months; and it is desirable that such Returns should not be made less frequently: Therefore it is further enacted, that the Returns required by the said seventy-sixth section of the Act hereinbefore cited shall be made by every Justice of the Peace quarterly, on or before the second Tuesday in each of the months of March, June, September and December in each year, to the Clerk of the Peace or other proper officer for receiving the same under the said Act, notwithstanding the General or Quarter Sessions of the Peace of the County in which such conviction was had may not be held in the months or at the times aforesaid; and every such Return shall include all convictions and other matters mentioned in the said section seventy-six, and not included in some previous Return, and shall, by the Clerk of the Peace or other proper officer receiving it, be fixed up and published, and a copy thereof shall be transmitted to the Minister of Finance, in the manner required by the eightieth and eighty-first sections of the said Act; and the provisions of the seventy-eighth section of the said Act, and the penalties thereby imposed, and all the other provisions of the said Act, shall hereafter apply to the Returns hereby required, and to any offence or neglect committed with respect to the making thereof, as if the periods hereby appointed for making the said Returns had been mentioned in the said Act instead of the periods thereby appointed for the same.

Recital.

At what times and to whom the Returns required by Sect. 76 shall be made.

What cases any such Return shall include: how posted up and published, &c.

Copy to Minister of Finance.

Provisions of Sect. 78 to apply.

4. The Form following shall be substituted for the form of Notice

New form of notice of appeal.

Notice of Appeal against a conviction or order contained in the Schedule to the said Act.

GENERAL FORM OF NOTICE OF APPEAL AGAINST A CONVICTION OR ORDER.

To C. D. of, &c., and ——— (*the names and additions of the parties to whom the notice of appeal is required to be given*).

Take notice, that I, the undersigned A. B., of do intend to enter and prosecute an appeal at the next General Quarter Sessions of the Peace (*or other Court, as the case may be*), to be holden at , in and for the District (*or* County, United Counties, *or as the case may be*) of against a certain conviction (*or* order) bearing date on or about the day of instant, and made by (you) C. D., Esquire, (one) of Her Majesty's Justices of the Peace for the said District (*or* County, United Counties, *or as the case may be*) of , whereby the said A. B. was convicted of having or was ordered to pay , (*here state the offence as in the conviction, information, or summons, or the amount adjudged to be paid, as in the order, as correctly as possible.*)

Dated this day of , one thousand eight hundred and .

A. B.

MEMORANDUM.—*If this notice be given by several Defendants, or by an Attorney, it can easily be adapted.*

CAP. XXVIII.

An Act to amend an Act for the better preservation of the peace in the vicinity of Public Works.

[*Assented to 12th May*, 1870.]

Preamble. HER MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Sections of 32 and 33 Vict., c. 24, may be put into force by Proclamation separately.

1. For and notwithstanding anything to the contrary contained in an Act of the Parliament of Canada, made and passed in the Session thereof, held in the thirty-second and thirty-third years of Her Majesty's reign, intituled: "*An Act for the better preservation of the Peace in the vicinity of Public Works,*" the Governor in Council may, as often as occasion requires, declare by Proclamation that upon and after a day therein named, the said Act or any section or sections thereof, shall be in force in any place or places in Canada, therein designated, within the limits or in the vicinity

vicinity whereof any Railway, Canal, or other Public Work is in progress of construction, or such places as are in the vicinity of any Railway, Canal, or other Public Work, as aforesaid, within which he deems it necessary that the said Act, or any section or sections thereof, should be in force:

And the said Act, or any such section or sections thereof, shall upon and after a day to be named in any such Proclamation, take effect within the places designated in such Proclamation; and the Governor in Council may in like manner from time to time declare the said Act or any section or sections thereof to be no longer in force in any of such place or places, and may again from time to time declare the said Act, or any section or sections thereof, to be in force therein; but no such Proclamation shall have effect within the limits of any City.

And may be declared to be no longer in force.

Exception as to Cities.

2. Wherever the expression "this Act" occurs in the Act hereinbefore mentioned it shall be understood to mean such section or sections thereof as shall be in force by virtue of any such Proclamation as aforesaid, in the place or places with reference to which the said Act is to be construed and applied, except only in the last section of the said Act, in which it shall be understood to mean the whole Act.

Meaning of "this Act" in 32 and 33 Vict., c. 24.

CAP. XXIX.

An Act to amend "An Act respecting Cruelty to Animals."

[*Assented to 12th May*, 1870.]

HER MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Preamble.

1. The following words shall be added to, and be taken and read as, and form part of, the first Section of the Act made and passed in the Session held in the thirty-second and thirty-third years of Her Majesty's Reign, chapter twenty-seven, intituled "*An Act respecting Cruelty to Animals,*" that is to say:—

Addition to sec. 1 of 32 & 33 Vict., c. 27.

"And any person who, in any manner, encourages, aids, or assists at the fighting or baiting of any bull, bear, badger, dog, cock, or other kind of animal, whether of domestic or wild nature, shall, upon being convicted before any one Justice of the Peace for the District, County, or place, in which the offence was committed, for every such offence forfeit and pay such a sum of money not exceeding forty dollars, nor less than two dollars, with costs, as to such Justice seems meet."

Penalty for encouraging bull baiting, cock fighting, &c., &c.

CAP. XXX.

An Act to amend "The Penitentiary Act of 1868."

[*Assented to* 12*th May*, 1870.]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Section 34 of 31 Vic., c. 75, amended.

1. The words "and to employ an Architect for the Penitentiary," in the eighth line of the thirty-fourth Section of "*The Penitentiary Act of* 1868," are hereby repealed, and the following words shall be taken and read in lieu thereof in the said thirty-fourth Section, that is to say:—"And to employ an Architect for the Penitentiaries."

Section 35 of 31 Vic., c. 75, amended.

2. The thirty-fifth Section of the said Act is hereby repealed, and the following Section substituted therefor, and to be taken and read as the thirty-fifth Section of the said Act.

"It shall be lawful for the Directors to appoint for any Penitentiary a Schoolmaster, a Schoolmistress, a Storekeeper, a Steward, a Chief-keeper (who in the absence or incapacity of the Deputy Warden, shall exercise all the functions of the said Deputy Warden), a Matron, a Deputy Matron, and such or so many Trade Inspectors as may from time to time be required, to hold their offices during pleasure; but the Warden shall have power to suspend summarily, for misconduct, any of the officers named in this section, until the next meeting of the Directors, when he shall submit to them a report of the circumstances of the case, to be dealt with as to them may seem meet."

Section 36 of 31 Vict., c. 75, amended.

3. The thirty-sixth Section of the said Act is hereby repealed, and the following Section substituted therefor, and to be taken and read as the thirty-sixth Section of the said Act:

"It shall be lawful for the Warden to appoint for any Penitentiary an Assistant Deputy Matron and a Clerk, and such and so many Keepers and Guards or other servants as, by order of the Directors, may be authorised, for the proper protection and care of the institution, and to suspend any of them for neglect of duty for such time as he shall see fit, or dismiss them without further charge than that of inefficiency in his opinion, but such suspension or dismissal shall be reported to the Directors at their next meeting."

Section 48 of 31 Vict., c. 75, amended.

4. The forty-eighth Section of the said Act is hereby repealed, and the following Section substituted therefor, and to be taken and read as the forty-eighth Section of the said Act:

"Every

"Every Warden, every Accountant, every Store-keeper, and every Steward, and every other person or persons employed in the Penitentiaries, as may thereunto be required by the Governor in Council, shall severally execute bonds to Her Majesty, with sufficient sureties, in such sum or sums of money respectively as may be from time to time determined by the Governor in Council, which bonds shall be conditioned for the faithful performance of the duties of their respective offices, according to law, and shall be filed in the Office of the Secretary of State of Canada."

5. For and notwithstanding anything to the contrary contained in an Act made and passed by the Parliament of Canada, in the Session held in the 32nd and 33rd years of Her Majesty's Reign, chaptered 29, and intituled: "*An Act respecting Procedure in Criminal Cases, and other matters relating to Criminal Law,*" or in any other Act of the Parliament of Canada, no person sentenced in New Brunswick or Nova Scotia to imprisonment with hard labor for less than one year, shall be received or imprisoned in the Penitentiary from and after the first day of May, which will be in the year one thousand eight hundred and seventy-three; nor, after the first day of May which will be in the year one thousand eight hundred and seventy-four, shall any one sentenced in either of the said Provinces to imprisonment with hard labor for less than two years, be received or imprisoned in the Penitentiary. **As to persons in Nova Scotia or New Brunswick sentenced to imprisonment after 1st May, 1873, and 1st May, 1874, respectively.**

CAP. XXXI.

An Act for the better protection of the Clothing and Property of Seamen in Her Majesty's Navy.

[*Assented to 12th May,* 1870.]

WHEREAS the clothing and property of Soldiers in Her Majesty's Army are protected by the restraint of the sale thereof, and it is expedient to make the like provision with respect to the clothing and property of Seamen in Her Majesty's Navy; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— **Preamble.**

1. This Act may be cited as "The Queen's Seaman's Clothing Act, 1870." **Short title.**

2. In this Act— **Interpretation of terms used in this Act.**

The term "Admiralty" means the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral;

The

The term "Seaman" means every person not being a Commissioned, Warrant, or Subordinate Officer who is in or belongs to Her Majesty's Navy, and is borne on the books of any one of Her Majesty's ships in commission, and every person, not being an Officer as aforesaid, who, being borne on the books of any hired vessel in Her Majesty's service, is by virtue of any Act of the Parliament of the United Kingdom for the time being in force for the discipline of the Navy, subject to the provisions of such Act;

The term "Seaman's property" means any clothes, slops, medals, and necessaries, or articles usually deemed to be necessaries, for Sailors on board ship, which belong to any Seaman.

Penalty on seller or purchaser of Seaman's Clothing.

3. If any person detains, buys, exchanges, takes on pawn, or receives from any Seaman, or any person acting for a Seaman, any Seaman's property, or solicits or entices any Seaman, or is employed by any Seaman, to sell, exchange, or pawn any Seaman's property, he shall, unless he proves that he acted in ignorance of the same being Seaman's property, or of the person with whom he dealt being or acting for a Seaman, or that the same was sold by order of the Admiralty or Commander in Chief, be liable, on summary conviction, to a penalty not exceeding one hundred dollars; and if convicted of a second offence, to the same penalty, or, in the discretion of the Justice or Justices, to be imprisoned for a term not exceeding six months, with or without hard labor.

Penalty on dealer, &c., found in possession of Seaman's property and not accounting for it.

4. If any Seaman's property is found in the possession or keeping of any person, and he is taken or summoned before a Justice of the Peace (which taking and summoning are hereby authorized), and the Justice sees reasonable grounds for believing the property so found to have been stolen, or to have been detained, bought, exchanged, pawned, or otherwise received, contrary to the provisions of this Act, then if such person does not satisfy the Justice that he came by the Seaman's property so found lawfully and without any contravention of this Act, he shall be liable, on summary conviction before a Justice or Justices, to a penalty not exceeding twenty-five dollars; and for the purposes of this section, Seaman's property shall be deemed to be in the possession or keeping of any person, if he knowingly has any such property in the actual possession or keeping of any other person, or in any house, building, lodging, apartment, field, or place, open or inclosed, whether occupied by himself or not, and whether the same are so had for his own use or benefit, or for the use or benefit of another.

Certain parts of 32 and 33 Victoria, cap. 21, incorporated with this Act.

5. The following sections of the Act of the Parliament of Canada passed in the Session thereof held in the thirty-second and thirty-third years of Her Majesty's reign, Chapter 21, "*respecting Larceny and other similar offences,*" are hereby incorporated with this Act, and shall for the purposes of this Act be read as if they were herein enacted, and as if the term "this Act"

in

in those sections included the present Act; namely, section one hundred and eight (relating to the punishment of abettors) and sections one hundred and seventeen, one hundred and eighteen, one hundred and nineteen, and one hundred and twenty (relating to the apprehension of offenders, and other proceedings).

Offences may be prosecuted under 32 and 33 Victoria, c. 31, and its provisions shall be applicable to such prosecutions.

6. Every offence hereby made punishable on summary conviction may be prosecuted in the manner directed by the Act of the Parliament of Canada passed in the Session thereof held in the thirty-second and thirty-third years of Her Majesty's Reign, Chapter thirty-one, "*respecting the duties of Justices of the Peace* "*out of Sessions, in relation to summary convictions and orders,*" so far as no other provision is hereby made for any matter or thing which may be required to be done in the course of such prosecution; and all provisions contained in the said Act shall be applicable to such prosecutions in the same manner as if they were incorporated in this Act.

Act not to prevent indictment, &c., under any other Act.

7. Nothing in this Act shall prevent any person from being indicted under this Act, or otherwise, for any indictable offence made punishable on summary conviction by this Act, or prevent any person from being liable, under any other Act, or otherwise, to any other or higher penalty or punishment than is provided for any offence by this Act, so that no person be punished twice for the same offence.

CAP. XXXII.

An Act to empower the Police Court in the City of Halifax to sentence juvenile offenders to be detained in the Halifax Industrial School.

[*Assented to* 12*th May,* 1870.]

Preamble.

WHEREAS, in and by an Act passed in the twenty-eighth year of Her Majesty's Reign, Chapter fifty-one of the Acts of the Legislature of the Province of Nova Scotia, intituled: "*An Act to incorporate the Halifax Industrial School,*" after therein reciting that a number of persons had associated themselves together for the purpose of assisting and educating poor and friendless boys, and had purchased a house and premises as a home for such boys, such persons were, for the purpose of holding such real estate, and managing their affairs generally with greater ease, thereby constituted a body politic and corporate;

And whereas, for the further promotion of the benevolent design of such Society, it is desirable to authorize and empower the Police

Police Court in the City of Halifax to sentence certain juvenile offenders to be detained in the said Industrial School;

Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Protestant boys under sixteen years of age may be sentenced to detention in the Halifax Industrial School.

1. Whenever any boy, being a Protestant and a minor, apparently under the age of sixteen years, shall be convicted before the Police Court in the City of Halifax, or before the Stipendiary Magistrate for the City of Halifax, of any offence for which, by law, he would be liable to imprisonment, the Police Court or Stipendiary Magistrate may sentence such boy to be detained in the said Industrial School for any period not exceeding five years, nor less than two years, as to the said Police Court or Stipendiary Magistrate shall appear proper.

Provision to be made by the City for the support of such boys.

2. But no such sentence shall be pronounced unless, nor until, provision has been made by the City of Halifax, out of its funds, for the support of boys so sentenced, at the rate of not less than forty dollars per annum for each boy.

Industrial School to be open to inspection.

3. The Home and premises of the said Industrial School shall, at all times, be open to inspection by the Mayor and Aldermen of the City of Halifax, and the Stipendiary Magistrate for the City of Halifax, or any of them.

Committee of School to educate the boys and teach them trades.

4. The Committee of the said Industrial School shall be bound to teach and instruct each boy so sentenced and detained as aforesaid in reading and writing, and in arithmetic as far as the rule of three, and also to teach each such boy such one of the trades or occupations which may, from time to time, be taught in the said School, as the Committee judge most adapted to his capabilities.

Boy escaping to be remanded to the School, with further detention: escaping again, to be committed to City Prison.

5. In case any boy so sentenced and detained as aforesaid escapes from the said Industrial School, he may, at any time before the expiration of his period of detention, be apprehended without warrant, and brought before the said Police Court or Stipendiary Magistrate, and on proof of his identity, the said Police Court or Stipendiary Magistrate shall, if it is the first time he has so escaped, remand him to the said School, there to serve the remainder of his original sentence, with such additional term, not exceeding one year, as to the said Police Court or Stipendiary Magistrate may appear proper, and if it is the second time he has so escaped, commit him to the City Prison, there to remain until the expiration of the period for which he was remanded to the said Industrial School after his first escape.

CAP. XXXIII.

An Act to continue and make permanent certain Acts and parts of Acts of the Province of New Brunswick, relative to the Police Force in the Parish of Portland, in the City and County of Saint John.

[*Assented to 12th May*, 1870.]

WHEREAS an Act of the Legislature of the Province of New Brunswick, made and passed in the eleventh year of Her Majesty's Reign, and intituled: "An Act for establishing and maintaining a Police Force in the Parish of Portland, in the City and County of Saint John," and declared to be in force until the first day of May, which would be in the year of Our Lord one thousand eight hundred and fifty one, has been, by sundry subsequent Acts of the Legislature of the said Province, continued in force until the first day of May now next, when, if not again continued, it would expire: Preamble.

And whereas, under and by virtue of "The British North America Act, 1867," certain of the provisions of the said recited Act of the Legislature of the Province of New Brunswick and of sundry subsequent Acts of the said Legislature in addition thereto, and in amendment thereof, have ceased to be the subject of legislation within the said Province, inasmuch as the same relate to matters not coming within the classes of subjects by the said "The British North America Act, 1867," assigned exclusively to the Legislatures of the Provinces;

And whereas, it is highly desirable to continue and make perpetual such provisions of the said recited Act, and of the other Acts in addition thereto, and in amendment thereof;

Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The following Act and parts of Acts of the Legislature of the said Province of New Brunswick, that is to say— Certain sections and parts of the Acts of New Brunswick—11 V., c. 12; 14 V., c. 7; 23 V., c. 7; 24 V., c. 27; 28 V., c. 3, and 30 V., c. 36—continued and made perpetual.

Of the said recited Act eleventh Victoria, chapter twelve, sections three, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen so far as relates to the construction of the parts of the said Act herein mentioned and referred to, seventeen, eighteen, nineteen, twenty, twenty-two, twenty-three so far as refers to criminal cases, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one and forty-three, and section fifty-two of the said Act as amended by section three of the Act fourteenth Victoria chapter seven;—

Of

Of the Act fourteenth Victoria, chapter seven, so much of section two as provides for the payment of any sum out of the Portland Police Fund;—

Of the Act twenty-third Victoria, chapter seven, section two;—

The whole of the Act twenty-fourth Victoria, chapter twenty-three;—

Of the Act twenty-eighth Victoria, chapter three, sections six, seven, eight, nine, ten, eleven, and twelve;—

Of the Act thirtieth Victoria, Second Session, chapter thirty-six, sections one, five, and six;—

and all other parts of any of the Acts aforesaid, and all Acts or parts of Acts of the Legislature of the said Province, in addition to or in amendment of the said recited Act, together with all forms and tables of fees or costs authorized or required thereby, are hereby declared to be in force within the said Province, for the purposes, and in the Parish of Portland, therein mentioned or intended, and are continued and made perpetual so far as the provisions thereof relate to matters not coming within the classes of subjects by the British North America Act, 1867, assigned exclusively to the Legislatures of the Provinces, and are not inconsistent with those of any Act of the Parliament of Canada now in force.

Fines, &c., received to be paid over to the Treasurer of the Portland Police. 2. All fines, penalties, forfeitures, or costs ordered, imposed, and received by the Police Magistrate, or sitting Magistrate, alone, or with any other Justice of the Peace, at the Police Office, in the said Parish of Portland, shall be paid over to the Treasurer of the Portland Police, for the purposes, and to be applied according to the provisions of the said first-recited Act, anything in the Act authorizing the imposition or payment of any such fine, penalty, forfeiture, or costs, to the contrary notwithstanding.

Act not to prevent proceedings under 32 and 33 V., c. 31, 32, and 33. 3. Nothing in this Act contained shall be taken or construed to prevent the said Police Magistrate, or sitting Magistrate, in the said Parish of Portland, from proceeding, where applicable, and he may deem it expedient, under any one of the following Acts, passed in the 32nd and 33rd years of Her Majesty's Reign, namely: "*An Act respecting the duties of Justices of the Peace out of Sessions, in relation to Summary Convictions and Orders,*" "*An Act respecting the prompt and summary administration of Criminal Justice in certain cases,*" and "*An Act respecting the Trial and Punishment of Juvenile Offenders.*"

Appeal from convictions. 4. The same appeal shall lie against all convictions under this Act, and the Acts therein mentioned, and subject to the same terms and conditions as are provided and required by the 32-33 Victoria, chapter thirty-one.

5.

5. The provisions of the seventy-sixth, seventy-seventh, and seventy-eighth sections of the said Act, 32-33 Victoria, chapter thirty-one, shall not be deemed or taken to apply to convictions for minor offences, made under the provisions of any Law relating to Police, of merely local operation, by any Police Magistrate, or sitting Magistrate, of the said Province of New Brunswick. **Certain convictions to be exempt from provisions of 32 and 33 V., c. 31, s. 76, 77, and 78.**

CAP. XXXIV.

An Act to remedy the inconvenience which would arise from the expiration of the Acts and parts of Acts herein mentioned, before the passing of the Act of this Session to continue the same.

[*Assented to 12th May, 1870.*]

WHEREAS the Bill introduced into this present Session of Parliament, intituled: "An Act to continue and make "permanent certain Acts and parts of Acts of the Province of New "Brunswick, relative to the Police Force in the Parish of Portland, "in the City and County of Saint John," had not passed before the expiration of the Acts and parts of Acts intended to be thereby continued; and, whereas, great inconvenience would arise therefrom; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— **Preamble.** **Cap. 33 of this Session cited.**

1. For and notwithstanding anything to the contrary, in any Act or Law contained, the Act of this present Session of Parliament, intituled, "An Act to continue and make permanent certain Acts "and parts of Acts of the Province of New Brunswick, relative to "the Police Force in the Parish of Portland, in the City and "County of Saint John," shall be deemed and taken to have effect from the date of expiration, in the said Session, of the Acts and parts of Acts intended to be thereby continued, as fully and effectually, to all intents and purposes, as if the said continuing Act had actually passed before the expiration of the said Acts and parts of Acts. **The said Act to take effect as from the expiration of the Acts and provisions thereby continued.**

2. Notwithstanding anything to the contrary, contained in the Interpretation Act, the words "the first day of May now next," in the eighth line of the preamble of the said Act of this Session, shall be construed to mean the first day of May, in this year of Our Lord one thousand eight hundred and seventy. **Interpretation of words in the said Act.**

3. Nothing contained in this Act shall extend, or be construed to extend, to affect any person with any punishment, penalty or forfeiture whatsoever by reason of anything done, or omitted to be **Act not retractive as to penalties.**

done

done by such person contrary to the prouisions of the Acts and parts of Acts so continued, between the expiration of the same and the date at which the said Act continuing the same received the Royal assent.

CAP. XXXV.

An Act respecting Ferries.

[*Assented to 12th May*, 1870.]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Application of this Act.

1. This Act shall apply to all ferries over which exclusive legislative authority is assigned to the Parliament of Canada, by the British North America Act, 1867.

Licenses to be under the Great Seal.

2. Every license of ferry under this Act, shall be under the Great Seal, and shall be issued by the Governor in Council, after public competition, as hereinafter provided.

Licenses to be granted only after competition.

3. Whenever any ferry is established or becomes vacant, it shall be the duty of the Minister of Inland Revenue to offer the license or renewal of license for such ferry to public competition, and for that purpose to give notice, in the English and French languages, in the *Canada Gazette*, and in one or more newspapers published or circulated in the locality in which the ferry is situate, of the time and place at which tenders will be received for the license, or renewal of license, for such ferry, and the Minister of Inland Revenue shall report the result of such competition to the Governor in Council, and the license, or renewal thereof, shall be granted accordingly.

Duration of License.

4. Ferry licenses issued after such public competition, may be granted for any period not exceeding five years.

Power to Governor in Council to make regulations.

5. The Governor in Council may make, and may from time to time, repeal or alter, such regulations as he deems expedient, for any of the following purposes, that is to say:

Extent of ferries.

Firstly—For establishing the extent and limit of all, or any such ferries as aforesaid;

Conditions.

Secondly—For defining the manner in which, the conditions (including any duty or sum to be paid for the license) under which, and the period for which, licenses shall be granted in respect of such ferries, or any one or more of them;

Thirdly,

Thirdly. For determining the size and description of the vessels to be used on any such ferries by the persons holding licenses in respect thereof, and the nature of the accommodation and conveniences to be provided for passengers carried in such vessels; Vessels to be used.

Fourthly. For fixing the tolls or rates at which persons and chattels shall be carried over such ferries, and the manner and places at which such tolls or rates shall be published or made known; Tolls.

Fifthly. For enforcing the payment of such tolls or rates, by the persons carried, or for whom chattels are carried, over such ferries; Enforcing payment.

Sixthly. For regulating the conduct of persons holding licenses, in respect of such ferries, and for fixing the times and hours and parts of hours during and at which vessels employed on such ferries shall cross and recross, or depart from either side of any such ferry for that purpose; Conducting ferries.

Seventhly. For annulling and declaring the forfeiture of any ferry license, in consequence of the conditions thereof, or any of them, not having been fulfilled, or in consequence of such license having been obtained by fraud or misrepresentation, or through error; Forfeiture of licence.

Eighthly. For imposing penalties, not exceeding ten dollars in any case, for the violation of any such regulation; Penalties.

And all such regulations shall, during the time for which they are intended to be in force, have the same force and effect as if contained in and enacted by this Act. Effect of regulations.

6. The Minister of Inland Revenue shall cause all regulations made as aforesaid, to be published in the English and French languages, in the *Canada Gazette*, at least three times during the three months following the date thereof, and any copy of the said Gazette containing a copy of such regulations, or any of them, shall be evidence of such regulation or regulations. Regulations to be published in English and French.

7. All fines or penalties imposed by this Act, or by any regulations under the authority thereof, shall be recoverable in a summary manner before any one Justice of the Peace, on the oath of any credible witness other than the informer; and one-half of every such penalty shall be paid to the informer, and the other half shall belong to the Crown. Recovery of penalties.

8. All moneys arising out of such ferry licenses, and out of fines and penalties incurred in regard to the same, or otherwise, under this Act, shall form part of the Consolidated Revenue Fund of Canada. Their application.

9.

Penalties on persons interfering with ferry rights.

9. Any person who interferes with the rights of any licensed ferryman, by conveying passengers or goods, for hire or profit, or with intention to lessen the tolls or revenue of any ferry, within the limits assigned to such ferryman by the Crown, shall, upon conviction thereof before a Justice of the Peace for the County, City, or District in which either terminus of the ferry may be situate, be liable to a penalty not exceeding twenty dollars.

This Act not to apply to certain vessels: or bridges, railways, &c.

10. Nothing in this Act shall extend to the owner or master of any vessel plying between two ports in Canada, or regularly entered or cleared by the Officers of Her Majesty's Customs at any such port, or in any way affect any privilege heretofore granted by the Parliament of Canada, or by the Legislature of any of the Provinces heretofore or now composing Canada, to the proprietor of any bridge, or to any railway or other company, in respect to ferries within the meaning of the first section of this Act.

Existing licenses to remain in force, but subject to this Act, and to forfeiture under it.

11. Chapter forty-six of the Consolidated Statutes for Upper Canada, and any Act, law, or Order in Council, now in force respecting ferries in any Province of Canada, shall no longer apply to or affect any ferry to which this Act applies; but licenses heretofore legally granted under any such Act, law, or Order in Council, in respect of such ferries, shall remain in force for the period and upon the conditions set forth therein, subject, however, to be declared forfeited for non-observance of such conditions, or any of them, in the same manner as licences granted under this Act may be; and any regulation made in virtue of section five of this Act, providing for the annulling and forfeiture of ferry licences, shall apply to all licences heretofore granted for ferries to which this Act applies.

Interpretation.

12. The word "ferry" shall mean any ferry under the control of Parliament, and whether established before or after the passing of this Act, and the words "licence," or "renewal," shall be held to apply to all ferry licenses, or renewals thereof, whether issued before or after the passing of this Act.

Minister may make inquiries.

13. Whenever reasonable grounds are shown to the Minister of Inland Revenue, he may, either himself or by any person specially appointed by him for that purpose, make enquiry under oath, as to any matter or matters connected with any ferry or ferry licence; and such person shall then have the same power as is vested in any court of law in civil cases, of summoning any party or witnesses, of enforcing their attendance, and of requiring and compelling them to give evidence on oath, whether orally or in writing, and to produce such documents and things as he deems requisite to the full investigation of such matter or matters; Provided always, that nothing in this Act contained shall affect any suit as to ferry licenses, pending in any court of law or equity at the time of the passing of this Act.

Proviso.

CAP.

CAP. XXXVI.

An Act respecting the Marking of Timber.

[*Assented to* 12*th May*, 1870.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

Persons engaged in lumbering to select, register, and use proper marks.

1. Every person engaged in the business of lumbering or getting out timber, and floating or rafting the same on the inland waters of Canada within the Provinces of Ontario and Quebec, shall, (subject to a penalty of fifty dollars for failure or neglect so to do) within six months after the passing of this Act, and every person engaging in the business of lumbering or getting out timber, and floating or rafting the same on the inland waters of Canada within the Provinces of Ontario and Quebec, after the passing of this Act, shall (subject to a penalty of fifty dollars for failure or neglect so to do) within one month after he shall engage therein, select a Mark or Marks, and having caused such mark or marks to be registered in the manner hereinafter provided, shall put the same in a conspicuous place on each log or piece of timber so floated or rafted.

Minister of Agriculture to register marks, and grant certificates on certain conditions.

2. The Minister of Agriculture shall cause to be kept in his office a book to be denominated the "Timber Mark Register," in which any person engaged in the business of Lumbering as aforesaid, may have his Timber Mark registered by depositing with the Minister a drawing or impression and description in duplicate of such Timber Mark, together with a declaration that the same was not in use to his knowledge by any other person than himself at the time of his adoption thereof; and the Minister, on receipt of the fee hereinafter provided, shall cause the said Timber Mark to be examined, to ascertain whether it resembles any other Mark already registered; and if he finds that such Mark is not identical with or does not so closely resemble as to be confounded with any other Timber Mark already registered, he shall register the same, and shall return to the proprietor thereof one copy of the drawing and description, with a certificate signed by the Minister or his Deputy, to the effect that the said Mark has been duly registered in accordance with the provisions of this Act; and there shall be further stated in such certificate the day, month and year of the entry thereof, in the proper Register; and every such certificate shall be received in all Courts of Law or of Equity in Canada, Certificates to be evidence.

as

as evidence of the facts therein alleged, without proof of the signature.

Minister may make rules and adopt forms.

3. The Minister of Agriculture may, from time to time, subject to the approval of the Governor in Council, make rules and regulations and adopt forms for the purposes of this Act.

Exclusive right to use registered mark.

4. The party who registers such Timber Mark shall thereafter have the exclusive right to use the same, to designate the timber got out by him and floated or rafted as aforesaid.

Marks may be cancelled.

5. Any person having registered a Timber Mark may petition for the cancellation of the same, and the Minister of Agriculture may, on receiving such petition, cause the said Mark to be so cancelled; and the same shall, after such cancellation be considered as if it had never been registered under the name of the said party.

Registered marks assignable, and how.

6. Every Timber Mark registered in the office of the Minister of Agriculture shall be assignable in law, and on the assignment being produced and the fee hereinafter provided being paid, the Minister of Agriculture shall cause the name of the assignee, with the date of the assignment and such other details as he may see fit, to be entered on the margin of the Register of Timber Marks on the folio where such Mark is registered.

Different marks to be used.

7. If any person makes application to register, as his own, any Timber Mark which has been already registered, the Minister of Agriculture shall notify the fact to such person, who shall then select some other Mark and forward the same for registration.

Penalty for using another person's mark.

8. If any person, other than the party who has registered the same, shall mark any timber of any description with any mark registered under the provisions of this Act, or with any part of such Mark, he shall be guilty of a misdemeanor, and, on conviction thereof, shall forfeit, for each offence, a sum of not less than twenty dollars and not exceeding one hundred dollars, which amount shall be paid to the proprietor of such Mark, together with the costs incurred in enforcing and recovering the same: Provided always, that every complaint under this section shall be made by the proprietor of such timber mark; or by some one acting on his behalf and duly authorized thereto.

Proviso.

Table of fees.

9. The following fees shall be payable, to wit:

On

On every application to register a timber mark, including certificate..............................	$2.00
For each certificate of registration not already provided for..	0.50
For each copy of any drawing, the reasonable expenses of preparing the same.	
For recording any assignment	1.00

And such fees shall be paid over by the Minister of Agriculture to the Receiver General, and form part of the Consolidated Revenue Fund of Canada. How applied.

CAP. XXXVII.

An Act to amend the Law relating to the Inspection of Raw Hides and Leather.

[*Assented to 12th May*, 1870.]

WHEREAS it is expedient to amend the Act of the Legislature of the late Province of Canada, passed in the Session held in the twenty-seventh and twenty-eighth years of Her Majesty's Reign, chapter twenty-one, intituled: "An Act to regulate the Inspection of Raw Hides and Leather," and also the Act of the said Legislature passed in the Session held in the twenty-ninth and thirtieth years of Her Majesty's Reign, chapter twenty-four, intituled: "An Act to amend the Law respecting the Inspection of Leather and Raw Hides"; therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. Every Inspector of Raw Hides and Leather, now or hereafter to be appointed under the said Acts, shall keep a proper book or books which shall be open to public inspection, in which he shall, from time to time, enter a statement or account of all green, raw, and salted Hides and Leather inspected by him or his Assistant Inspector or Inspectors, shewing the respective weight, quality, and condition thereof, how the same have been classified by him, for whom they have been inspected, and the amount paid for such inspection. Inspectors to keep books, showing certain particulars.

2. Every such Inspector shall twice in each year, and not later than the tenth day of January, and the tenth day of July, make a return to the Board of Trade of the City or Town in respect to which he has been appointed, of the particulars mentioned in the next preceding section. Returns by Inspectors.

3. Every Inspector of Raw Hides and Leather, now or hereafter Security to be given by Inspectors.

after to be appointed, shall give security for the due performance of the duties of his office, and for the payment of any penalties which may be recovered against or imposed upon him under this Act or the said recited Acts; such security shall be taken in the name of the President of the Board of Trade of the City or Town in respect to which such Inspector has been appointed, who shall approve thereof, and the same shall be available for any person injured by the default or breach of duty of such Inspector, or who recovers any penalty or penalties against him as aforesaid.

Penalty for contravention.

4. Every Inspector who neglects or refuses to keep such a book as mentioned in the first section of this Act, or to make the entries required to be made therein, or who neglects or refuses to make the returns required by section two of this Act, shall incur a penalty not exceeding eighty dollars for each offence, and be liable to be dismissed from his office, and be disqualified from ever after holding the same.

How recoverable when not exceeding $40.

5. Every penalty or fine imposed by this Act, or by the said recited Acts, when the same does not exceed forty dollars, shall be recoverable by any Inspector of Raw Hides and Leather, or by any other person suing for the same, in a summary manner, before the Recorder or Police Magistrate of the City or Town within the inspection limits of the said Inspectors, or before any two Justices of the Peace, and shall, in default of payment, be levied by a warrant of distress to be issued by such Recorder or Police Magistrate or Justices, against the goods and chattels of the offender.

hen penalty xceeds $40.

6. Where such penalty or fine exceeds forty dollars, it may be sued for and recovered with full costs of suit by such Inspector or other person, by civil action in any Court having jurisdiction in civil cases to the amount, and may be levied by execution as in cases of debt.

Certain provisions to apply.

7. The provisions of the thirty-first and thirty-second sections of the first mentioned Act shall apply to all penalties and proceedings under this Act.

Certain sections of former Acts repealed.

8. The twenty-ninth and thirtieth sections of the said Act, twenty-seventh and twenty-eighth Victoria, chapter twenty-one, are hereby repealed.

Extent of Act.

9. This Act shall apply to the Provinces of Ontario and Quebec only.

CAP.

CAP. XXXVIII.

An Act respecting Official Assignees appointed under the Insolvent Act of 1864, and to amend the Insolvent Act of 1869.

[*Assented to 12th May*, 1870.]

WHEREAS doubts exist as to the legality of certain appointments of Assignees made by Boards of Trade under the fourth section of "*The Insolvent Act of* 1864" for the late Province of Canada, in Districts and Counties not contiguous to the Districts or Counties where such Boards of Trade existed, and it is expedient to remove such doubts and confirm such appointments; and also to amend the Insolvent Act of 1869; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:— **Preamble.**

1. The naming and appointment of any Official Assignee by a Board of Trade for any District or County not contiguous to, or adjacent to the District or County where such Board of Trade so making such nomination existed in the late Province of Canada, shall not, by reason of such County or District where such officer has been named, not being contiguous to, or adjacent to the District or County where the Board of Trade making such appointment existed, if otherwise made in conformity with said Act, be held to have been made contrary to the true intent and meaning of the said Act; and such appointments, and all proceedings consequent thereon, made, had and done in conformity with *The Insolvent Act of* 1864, and its amendments, are hereby declared and enacted to have been legally made, had, and done; Provided, that any suits or litigation involving any question as to the legality of such appointments, pending when this Act shall come into force, shall be determined as if this Act had not been passed. **Certain appointments: Assignees not to be held to have been made contrary to 27, 28 Vict., cap. 17.** **Proviso.**

2. No partner in business of the Assignee shall hereafter act as the Attorney or Solicitor of the Insolvent, in any matter depending upon the said Act. **Partner of Assignee not to act.**

3. So much of Section 142 of the said Insolvent Act of 1869, as refers to the construction of the words "the Judge" and "the "Court," in the Province of Nova Scotia, is hereby repealed. **Part of sec. 142, of Act of 1869, repealed as to Nova Scotia.**

4. The words "the Judge," when they occur in the said Act, shall, in the said Province, signify the Judge of Probate, and the words "the Court" shall, in the said Province, signify the Court of Probate for the County in which the case is pending, unless it is otherwise expressed, or unless the context plainly requires a different construction. **Words "the Judge" interpreted.**

5. A revision or appeal may be had from the order or judgment of a Court of Probate in Nova Scotia to a Judge of the Supreme Court **Revision or appeal in Nova Scotia.**

Court of Nova Scotia, in the same manner and under the same conditions as are provided in reference to appeals from an order or decision of a Judge, in the eighty-third section of the said Act of 1869.

Inconsistent enactments repealed.

6. So much of the said Acts as may be inconsistent with this Act is hereby repealed.

CAP. XXXIX.

An Act to continue for a limited time the Act therein mentioned.

[*Assented to 12th May,* 1870.]

Preamble.

WHEREAS, it is expedient further to continue the Act hereinafter mentioned, which would otherwise expire at the end of the present Session; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Act of late Province of Canada, 4 & 5 V., c. 32, continued as to certain Banks.

1. The Act of the Parliament of the late Province of Canada, passed in the Session thereof held in the fourth and fifth years of Her Majesty's Reign, intituled: "An Act to encourage the establishment of and regulate Savings Banks in this Province," shall be and is hereby continued and shall remain in force, as regards the Savings Banks now established and in operation under its provisions, until the first day of January, one thousand eight hundred and seventy-one, and from thence until the end of the next ensuing Session of the Parliament of Canada, and no longer.

Saving clause as to Acts passed in this Session.

2. Nothing herein contained shall prevent the effect of any Act passed during the present Session, repealing, amending, rendering permanent, or continuing to any further period than that herein appointed, the Act hereinbefore mentioned and continued, nor shall continue any provision or part of the Act in this Act mentioned, which may have been repealed by any Act passed during the present Session or in any previous Session.

CAP.

CAP. XL.

An Act to vest in Her Majesty, for the purposes therein mentioned, the property and powers now vested in the Trustees of the Bank of Upper Canada.

[*Assented to 12th May*, 1870.]

Preamble.

31 V., c. 17.

WHEREAS the property and assets of the Bank of Upper Canada, vested, by the Act passed in the thirty-first year of Her Majesty's Reign, intituled: "An Act for the settlement of the affairs of the Bank of Upper Canada," in the Trustees therein mentioned, are wholly insufficient to meet the liabilities of the said Bank; and whereas but little progress has been made under the said Act in the settlement of the affairs of the Bank, and it is expedient, in the interest as well of the Dominion of Canada, (which is by far the largest creditor of the Bank, and on account of whose claim no dividend has been as yet received,) as of all other parties concerned, that provision should be made for the more speedy disposal of the property and assets of the Bank, and for making a fair and equitable adjustment and settlement of the claims of all the creditors of the Bank; Therefore, Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Property and assets of the Bank transferred to the Crown on and after 1st August, 1870.

1. All the assets, properties, estates and effects, real and personal, and all the claims, rights and credits of the Bank of Upper Canada, held and possessed by the Trustees of the Bank of Upper Canada on the day next hereinafter mentioned, under the Act cited in the Preamble to this Act, and the Schedule thereunto annexed, or belonging to or acquired by the said Trustees or having come into their possession since the passing of the said Act, and in their hands, power, or control, shall be and are hereby transferred to and vested in Her Majesty for the Dominion of Canada and the purposes of this Act, upon and after the first day of August, in the present year (1870,) subject nevertheless to the charges, incumbrances and equities (if any) to which they are then subject; and no registry of such transfer in any Registry office, nor any assignment, indorsement, or transfer from the Trustees, shall be necessary to give effect thereto or for any purpose relating thereto.

Powers, &c., of the Trustees transferred to the Governor in Council: continuance of suits.

2. All the powers, authorities, rights and immunities vested in or conferred on the Trustees of the Bank of Upper Canada, by the Act hereinfore cited and the Schedule thereto, shall be and are hereby transferred to, conferred upon and vested in the Governor in Council, and may be exercised by or through such officer or officers, person or persons, as the Governor in Council may from time to time appoint, and in such manner as shall, from time to time be directed by Orders in Council; and any suit or proceeding to

to which, on the first day of August aforesaid, the said Trustees shall be a party, may be continued, by substituting the name of Her Majesty in the place of that of the said Trustees, upon a suggestion of the passing of this Act.

Parts of the former Act repealed.

3. Section four of the Act hereinbefore cited, and all the sub-sections of Section five thereof, except those numbered respectively 1, 2, 3, 15, and 16, shall be repealed, on and after the first day of August aforesaid, with so much of any other part of the said Act or Schedule as may be inconsistent with the provisions of this Act.

Powers of Governor in Council to sell, compromise, &c.

4. The Governor in Council shall have full power to sell and dispose of the properties, estates, and effects hereby vested in Her Majesty, in such manner and upon such terms and conditions, and to such parties (whether creditors of the Bank, or otherwise,) or to assign any part thereof to any creditors in satisfaction of their claims, as to him may seem expedient, and to settle, adjust, compound for, compromise, and arrange any claim on the said Bank or debt due to it, and to pay any claim on the Bank when so adjusted, either out of the proceeds of the properties, estates, and effects of the Bank aforesaid, or by such assignment as aforesaid: Provided that except in the case of any such compromise with any creditor of the Bank for an abatement on his claim, or of any abatement which the Governor in Council may deem it expedient to make on the claim of the Dominion, the Dominion and the several other creditors of the Bank shall be entitled to share equally, *pro ratâ*, and in proportion to their respective claims, in the properties, estates and effects of the Bank hereby transferred to Her Majesty, and the proceeds thereof: and nothing in this section shall be construed to derogate from or impair any authority or power vested in the Trustees of the Bank of Upper Canada, by the Act hereinbefore cited and the Schedule thereto, and hereby transferred to and vested in the Governor in Council.

Proviso for equal sharing of creditors in Bank assets.

Part of the said Act repealed.

5. So much of the Schedule to the Act hereinbefore cited, or of the said Act, as would require that any dividend should be declared, or that the moneys received by the said Trustees should be deposited or withdrawn in any specified manner, or that any balance sheet of the affairs of the trust shall or should be published, on and after the first day of August aforesaid, shall be repealed, and the Governor in Council may direct in what manner such moneys shall be deposited or withdrawn, and any portion thereof belonging to the Dominion shall form part of the Consolidated Revenue Fund of Canada; and the Governor in Council may from time to time order the publication of any statement relative to the matters mentioned in this Act, which he may think proper.

Powers of Governor in Council.

Provision if there should be any surplus of assets.

6. If after payment of the claims of the Dominion, and of the other creditors of the Bank, there should remain undistributed, any portion of the proceeds of the properties, estates and effects hereby

hereby vested in Her Majesty, the same shall be divided among the shareholders of the Bank, *pro ratâ*, in proportion to the number of shares they respectively held in the stock of the Bank.

7. The Trustees of the Bank of Upper Canada appointed or elected under the Act hereinbefore cited, shall cease to be such on the first day of August aforesaid, except only for the purpose of delivering over to such officers or persons as the Governor in Council may appoint to receive the same, all personal property and effects, books and papers relating to the said Trust. **Trustees to cease to be so on 1st August next.**

8. All deeds and writings which may be necessary to carry out the provisions of this Act, may be executed on behalf of Her Majesty by such person or persons as may be from time to time appointed by Order in Council, and shall be sufficient by the signature of such person or persons, to effectuate the intention of such deeds or writings, without affixing the Great Seal of the Dominion or any other seal thereto. **As to execution of any deeds, &c., under this Act.**

9. A statement of what shall have been done under this Act shall be laid before Parliament within the first fifteen days of each Session, after the passing thereof, until the affairs of the said Bank are fully wound up and settled. **Return to Parliament.**

CAP. XLI.

An Act to continue in force the provisions of divers Acts relating to La Banque du Peuple.

[Assented to 12th May, 1870.]

WHEREAS La Banque du Peuple hath, by its petition, prayed that its Charter may be continued in force, and it is expedient to grant its prayer; Therefore, Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: **Preamble.**

1. The provisions of the Act passed by the Legislature of the late Province of Canada, in the seventh year of Her Majesty's Reign, intituled "An Act to incorporate certain persons carrying on the business of banking in the City of Montreal, under the name of "La Banque du Peuple;" as amended by two several Acts passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, intituled, respectively: "An Act to consoli- "date and amend the Laws, and to repeal certain Acts relating to "the crime of Forgery;" and "An Act to amend the Act incorpo- "rating La Banque du Peuple" and by another Act passed in the eighteenth year of Her Majesty's Reign, intituled: "An Act to increase **Acts Canada (late), 7th Vict., c. 66.** **10th and 11th Vict., c. 9, and c. 62.** **18th Vict., c. 43.**

increase the Capital Stock of La Banque du Peuple and for other purposes," and by another Act passed in the Session held in the nineteenth and twentieth years of Her Majesty's Reign, intituled: "An Act to amend the Acts relating to La Banque du Peuple," and by another Act passed in the twenty-second year of Her Majesty's Reign, intituled: "An Act to amend a certain Act relating to La Banque du Peuple," and by another Act passed in the twenty-fourth year of Her Majesty's Reign, intituled: "An Act further to increase the capital stock of La Banque du Peuple," and by this Act, are hereby continued and shall remain in force, until the first day of January, which will be in the year of Our Lord one thousand eight hundred and eighty-one, and from that time to the end of the then next Session of the Parliament of Canada; Provided always, that the present Act shall be subject to and shall be held to embody the provisions of any Act respecting Banks and Banking, passed or which may be passed during the present Session of the Parliament of Canada, in so far as the same may be applicable to Banks *en commandite,* in the same manner and to the same extent, and with the same advantages and privileges as if the extension of the Charter of the said La Banque du Peuple hereby effected were so made under any clause of such Act permitting the extension of Bank Charters by the Governor in Council.

19th and 20th Vict., c. 27.

22nd Vict., c. 51.

24th Vict., c. 93.

Above Acts continued.

Proviso.

Bank to be subject to general Act of this Session.

Changes among Principal Partners to be registered.

2. When any change occurs among the Principal Partners of the said Bank, it shall be the duty of the Corporation without unnecessary delay, to cause, under the signature of the Cashier of the said Corporation, and of the President or Vice-President thereof, to be fyled at the office of the Prothonotary of the Superior Court at Montreal, a statement of the name, addition, and residence of the Principal Partner vacating office, and of any new member admitted as a Principal Partner in his place and stead.

Notices under s. 21 of 7 V., c. 66.

3. The notice required by section twenty-one of the Act first above mentioned shall be given, in the manner therein provided, for a period of two months instead of one month.

Lists of Shareholders.

4. Certified lists of the Shareholders, with their additions and residences, and the number of shares they respectively hold, shall be laid before Parliament every year, within fifteen days after the opening of the Session.

Meeting for adopting or rejecting this Act.

5. Before commencing operations under this Act, it shall be the duty of the Principal Partners of the said La Banque du Peuple to submit, at the annual meeting, or at a special meeting of the shareholders, called by public notice, and held at the office of the said Bank at the City of Montreal, the desirability of continuing the business of the Bank under the terms and conditions attached to this Act, and a vote of a majority in amount of the Shareholders present at such meeting, favorable to the continuation of the business, shall be a sufficient authority to the Principal Partners to continue the said business under this Act.

CAP.

CAP. XLII.

An Act to provide for the amalgamation of the Canadian Bank of Commerce, and the President, Directors and Company of the Gore Bank.

[*Assented to* 12*th May*, 1870.]

Preamble.

WHEREAS the Canadian Bank of Commerce, hereinafter called the Bank of Commerce, and the President, Directors and Company of the Gore Bank, hereinafter called the Gore Bank, have entered into an agreement for the amalgamation of the said banks, which agreement has been confirmed by the shareholders of the said banks who have authorized the said banks to petition for the passage of this Act: And whereas the said banks have by their petition represented that it is for the interest of the said banks that the said amalgamation should be effected, and have prayed that an Act of the Parliament of Canada shall be passed for the purpose: And whereas it is expedient that the prayer of the petition should be complied with: Therefore Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Estate of Gore Bank transferred to and vested in Bank of Commerce.

1. All the estate and effects, real and personal, rights, property, credits, choses in action, claims and demands, of whatsoever nature or quality and wherever situate, of the Gore Bank, are hereby vested in the Bank of Commerce, its successors and assigns, as and for its own use absolutely, and it may in its own name, sue for, collect, and get in all and every part of the said estate, rights and effects.

Bank of Commerce to pay all liabilities of Gore Bank.

2. The Bank of Commerce is subject and liable to pay and discharge all the debts, obligations, bills and promissory notes, and other liabilities of the Gore Bank, and may be directly sued and proceeded against in respect thereof as fully and effectually as if the same were originally the debts, obligations, promissory notes and liabilities of the Bank of Commerce, and they shall be taken and construed so to be.

Suits to which the Gore Bank is a party; how to be continued.

3. All suits, actions and proceedings, pending in any Court, in which suits, actions or proceedings, the Gore Bank is plaintiff or defendant, may be continued to judgment and execution in the name of the Bank of Commerce, upon a suggestion being entered on the record, by virtue of this Act, at any time before judgment, that the Gore Bank became by virtue of this Act, on the day of the passing thereof, amalgamated with the Bank of Commerce.

Shares in Bank of Commerce to be allotted to Shareholders in Gore Bank.

4. The Bank of Commerce shall within thirty days from the day of the passing of this Act, allot to the shareholders of the Gore Bank in proportion to and in lieu and extinguishment of their stock in that bank, paid up capital stock in the Bank of Commerce,

merce, to the amount of four hundred and forty-five thousand one hundred and four dollars, par value, bearing dividend from the first day of January, in the year of our Lord one thousand eight hundred and seventy: Provided however, that the Bank of Commerce shall adjust any difference less than fifty dollars, by payment of cash in lieu of paid up stock, or by an allotment of a share of stock paid up to the amount of such difference.

Half-year's interest to be paid to shareholders of Gore Bank not yet paid.

5. The Bank of Commerce shall within thirty days from the day of the passing of this Act, pay in cash to such of the shareholders of the Gore Bank as may not have been heretofore paid the same, in proportion to the amount of their shares, interest at the rate of seven per centum per annum, from the first day of July, in the year of our Lord one thousand eight hundred and sixty-nine, to the first day of January, in the year of our Lord one thousand eight hundred and seventy, on the said sum of four hundred and forty-five thousand one hundred and four dollars.

Bank of Commerce may increase its Capital Stock.

6. It shall be lawful for the Bank of Commerce to add to its present authorized capital stock of two millions of dollars, any sum not exceeding two millions of dollars.

When the additional Stock may be subscribed for.

7. None of the said stock shall be subscribed at any time after the end of the Session of Parliament which shall be held next after the first day of June, A.D. 1870, unless at, or prior to that period, the Bank shall have been authorized to continue its banking operations, or accepted the provisions of any general law for that purpose, in which event the said stock may be subscribed for at any time prior to, but not after, the first day of June, 1874.

Act 32, 33 Vict., c. 56, to apply to increase of Stock.

8. The provisions of the Act of the Parliament of Canada passed in the thirty-second and thirty-third year of the Reign of Her Majesty Queen Victoria, and chaptered fifty-six, entitled "An Act to authorize an addition to the capital stock of the Canadian Bank of Commerce, and for other purposes relating to the said bank," shall apply to the capital stock authorized by this Act.

Bank to be subject to any general Act of this or any further Session.

9. The powers and privileges conferred by this Act and the several Acts which it amends, and the liabilities or obligations of the Shareholders of the said Bank, shall be subject to any legislation either of the present or any future Session of the Parliament of Canada which may take place; and no general Act whereby any privilege hereby conferred may be affected or impaired, shall be deemed an infringement of the charter of the said Bank or of this Act.

CAP. XLIII.

An Act to amend the Act to incorporate the Merchants' Bank of Halifax.

[*Assented to 12th May, 1870.*]

WHEREAS in and by the Act to incorporate the Merchants' Bank of Halifax, it is provided that the unpaid stock shall be called in at such time as shall be prescribed by future legislation, and application has been made to enable the said Corporation to call in unpaid capital; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— **Preamble.**

Remainder of capital may be called in, and how.

1. The Directors of the Merchants' Bank of Halifax may, and they are hereby authorized to call in and require the payment of the remainder of the capital stock of the Corporation at such time or times, and in such instalments as the Directors may, from time to time, appoint; but no instalment shall be called in until thirty days' notice shall have been first given, in at least two of the newspapers published in Halifax, of the time and place appointed for the payment thereof.

CAP. XLIV.

An Act further to amend the Acts respecting the Improvement and Management of the Harbor of Quebec.

[*Assented to 12th May, 1870.*]

WHEREAS the Quebec Harbor Commissioners have by their petition set forth that doubts have arisen as to the right of persons indebted to the said corporation for rent or for wharfage, to offer in payment coupons for interest due on the bonds or debentures thereof, which interest the said Commissioners have not the means of paying in full to all holders of such coupons, and have prayed that an Act may be passed to prevent such persons from obtaining priority or preference over other holders of such coupons; and whereas, it is expedient that the prayer of the said petition be granted; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— **Preamble.**

Before each 1st July or 1st January, the Commissioners shall declare what coupons they will then be able to pay, and enter the same on their minutes.

1. On, or shortly before, the first day of July next, and on, or shortly before, every first day of January and first day of July thereafter, so long as any debentures or bonds issued by the Quebec Harbor Commissioners are outstanding, the said Commissioners shall make an estimate as to whether or not there remains, or will remain, in their hands, on such first day of July, or first day

day of January, as the case may be, out of the dues, tolls, duties, rates, penalties and other revenues and profits collected and received by them, any sum available and sufficient for the payment, without priority or preference, of interest due on all debentures or bonds issued by the said Commissioners, for the period of six months to such first day of July or first day of January, or for that and any like previous period or periods of six months, or for any such previous period or periods of six months only, and thereupon the said Commissioners may resolve and declare, as the case may require, either that there will not be any payment made on such first day of January, or first day of July, as the case may be, on account of such interest accrued prior to that day, or that payments of such interest for a period or for a stated number of periods of six months only, will then be made; and such resolution and declaration shall be recorded forthwith in the minutes of the proceedings of the said Commissioners.

Until any interest is so declared payable, it shall not be deemed liquidated and demandable, &c.

2. At no time after the passing of this Act, shall the debt of the Quebec Harbor Commissioners for the interest accrued on any debenture or bond of the said Commissioners for any period, be or be deemed to be liquidated and demandable, to the effect of extinguishing by compensation, any liquidated and demandable debt due to them, unless nor until the said Commissioners have so resolved and declared their ability to pay the interest due for that period on all sums borrowed under the said Acts, without priority or preference, and an entry of such resolution and declaration has been made as aforesaid.

And so with respect to the principal of any bond, &c.

3. So long as any accrued interest on any debentures or bonds issued by the Quebec Harbor Commissioners remains unpaid, no debt of the said Commissioners for the principal of any such debenture or bond, shall be or be deemed to be liquidated and demandable, to the effect of extinguishing, by compensation, any liquidated and demandable debt due to them, unless nor until the said Commissioners have so resolved and declared their ability to pay the interest due for the period during which such unpaid interest accrued, on all sums borrowed under the said Acts, without priority or preference, and an entry of such resolution and declaration has been made as aforesaid.

Copy of minutes duly certified to be evidence.

4. A copy of any entry in the minutes of the proceedings of the said Commissioners, certified by the Secretary-Treasurer of the said corporation to be a true copy, sealed with the seal of the said corporation, and counter-signed by the Chairman thereof, shall be *primâ facie* evidence of the truth of all statements of facts therein contained, and of the correctness of all dates therein mentioned, including the date therein mentioned as being that on which such entry was made.

CAP. XLV.

An Act to authorize the Corporation of the Township of Collingwood, in the County of Grey, to impose and collect Tolls or Harbor Dues, at the mouth of Beaver River, and for other purposes.

[*Assented to 12th May*, 1870.]

WHEREAS the Corporation of the Township of Collingwood, in the County of Grey, have by their petition represented, that it is desirable to construct and improve a harbor at the mouth of Beaver River, on the Georgian Bay, in the said Township, and that a considerable sum of money has been expended for this purpose: and whereas the said Corporation have further represented, that it is their intention to complete the construction of the said Harbor, and have prayed that authority may be given to them to pass a By-law or By-laws for the imposition and collection of a tariff of dues on goods, wares, merchandize and chattels, shipped on, or landed from any vessel within the limits of the said proposed harbor, for the purpose of enabling them to maintain and keep in repair the said harbor: and whereas the proposed harbor will be of great benefit and advantage to persons navigating the Georgian Bay, and it is expedient to grant the prayer of the said petition: **Preamble.**

Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Corporation of the said Township of Collingwood are authorized and empowered to construct, extend and improve a harbor, to be called the Harbor of Thornbury, at the mouth of Beaver River, in the said Township,—and to make, construct and erect a breakwater in the said harbor. **Power to construct a harbor and breakwater.**

2. The said Corporation are authorized and empowered to pass a by-law or by-laws for raising such sums as shall be necessary to construct and complete the said works, and also from time to time to pass such further by-law or by-laws for raising such further sum or sums as may be necessary for the purposes aforesaid, not exceeding however in the whole the sum of ten thousand dollars: such by-law and by-laws being first submitted to the rate-payers of the said Township in accordance with the provisions of the Municipal Act for the Province of Ontario. **Power to raise money.** **Proviso.**

3. The said Corporation are authorized and empowered to pass by-laws for the imposition and collection of tolls, to be employed, after the expenses of collection, for the purpose of assisting in liquidating the debt incurred or which may hereafter be incurred, in constructing, improving and keeping in repair the said harbor and the works connected therewith, on all goods, wares, merchandise and **Power to impose and collect tolls, not exceeding certain rates.**

and chattels, shipped on board or landed out of any vessel, boat or other craft, from or upon any part of the said Beaver River or elsewhere within the limits of the said harbor, or on or upon the lands or premises adjacent thereto and belonging to the said Corporation, and upon all logs, timber, spars and masts going through the same or any part thereof, and on all vessels, boats or other craft entering the said harbor, not exceeding the rates following, that is say:—

	$ cts.
Ale, Beer or Porter, per barrel	0 05
Apples, Fish, Salt, Water-lime, or Plaster, per barrel	0 05
Brandy, Gin, Rum, Wines or Highwines, per barrel	0 10
Bricks, per M.	0 05
Calves, Sheep or Swine, each	0 10
Coal, per ton	0 15
Castings, Chain Cable, Nails and Spikes, per ton	0 25
Cordwood, per Cord	0 05
Earthen or Stoneware, per Crate or Hhd.	0 06
Eggs, per barrel or box	0 04
Flour or meal, per barrel	0 03
Fowls of all kinds, each	0 01
Furniture, per 100 lbs.	0 02½
Fanning Mills, each	0 12
Grain of all kinds, per bushel	0 01
Grindstones per ton	0 25
Horses, or horned cattle, each	0 10
Horse Rakes, Straw Cutters, Root Slicers and Ploughs, each	0 05
Hides and Skins, per 100 lbs.	0 05
Hay, per ton	0 10
Hops, per 100 lbs.	0 10
Lard or Butter, per keg or firkin	0 02
Lime, per barrel	0 01
Leather, per 100 lbs.	0 02
Merchandise not herein enumerated, per ton	0 40
Nursery produce, per ton	0 40
Potatoes and other roots, per bushel	0 01
Pork, Beef, Lard or Butter, per barrel	0 05
Potash, Pearlash, Molasses, Whiskey, Vinegar, per barrel	0 06
Pig, Bar, Scrap or Cast Iron, per ton	0 25
Reaping and Mowing Machines, each	0 50
Sawed Lumber, per M. feet	0 12
Square or round Timber, per 100 cubic feet	0 05
Saw Logs, each	0 01
Shingles and Laths, per M.	0 02
Staves, per M.	0 05
Stave Bolts, per cord	0 05
Timothy and Clover Seed, per bushel	0 02
Threshing Machines, each	0 25
Vehicles of all kinds, each	0 25
Vessels of 100 tons Register and upwards	1 00
Vessels of 10 tons, and not exceeding 100 tons Register	0 50
All other articles not herein enumerated, per 100 lbs.	0 02½

Provided,

Provided, that any by-law or by-laws imposing Tolls or Harbor Dues as aforesaid, shall be approved by the Governor in Council, before having any force or effect, and that an annual return shall be made to the Parliament of the Dominion of Canada, of the amounts collected under the same, and the mode of expenditure. Proviso: Tolls to be subject to approval of Governor in Council, and accounted for.

4. If any person or persons neglect or refuse to pay the tolls or dues to be imposed or collected under this Act, or any by-law that may be passed under the authority thereof, the said Corporation or their officer, clerk, servant, agent or lessee may seize and detain the goods, wares, merchandise and chattels, logs, timber, spars and masts, on which the same are due and payable, until such tolls or dues are paid, and if the same be unpaid after the space of thirty days next after such seizure, the said Corporation or their officer, clerk, servant or lessee as aforesaid, may sell and dispose of the said goods, wares, merchandise, chattels, logs, timber, spars or masts, or such part thereof as may be necessary to pay the said tolls or dues and the reasonable costs and charges of keeping and selling the same by public auction, giving ten days notice thereof, and returning the surplus if any to the owner or owners thereof. Power to levy the tolls if payment be refused.

5. Every vessel, boat, or other craft, on board of which goods, wares, merchandise, chattels and other things are shipped, or from which they are landed, shall be liable for the dues chargeable against such goods, wares, merchandise, chattels and other things, and in the event of non-payment thereof, may be detained until payment thereof is made. Vessels liable for tolls on goods bought or shipped in them.

6. The said harbor and works thereof shall be subject to the provisions of any Act or Acts of the Parliament of Canada, which may be passed hereafter for the construction, improvement, regulation, or maintenance of harbors. Harbor to be subject to any general law.

CAP. XLVI.

An Act to authorize the Town of Belleville to impose and collect Harbor Dues, and for other purposes.

[*Assented to 12th May*, 1870.]

WHEREAS the Town of Belleville has incurred large liabilities in the improvement and repair of the harbor within the limits of the said town, and the Corporation of the Town of Belleville have petitioned that an Act be passed to authorize them to pass a By-law or By-laws, for the imposition and collection of harbor dues, rents, or tolls upon goods, wares, merchandize and chattels shipped on or landed from any vessel or Preamble.

steamboat

steamboat within the said harbor, and for the imposition and collection of dues or tolls upon logs, timber, pine, cedar, and railway ties passing down the River Moira, through the Port of Belleville, for the purpose of enabling them to provide a fund for the payment of debts incurred for the improvement of the said harbor, and for the further improvement of the said harbor from time to time, and the maintenance of the same; and it is expedient to grant the prayer of the said Petition: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Corporation of Belleville may, by By-law, impose harbor dues.

1. The Corporation of the Town of Belleville are authorized and empowered to pass a By-law or By-laws, for the imposition and collection of harbor dues or tolls, to be employed, after the expenses of collection, for the purpose of assisting in liquidating the debt incurred, or which may hereafter be incurred, in the improvement of the harbor within the limits of the said Town, by dredging or otherwise, and to provide a fund for the maintenance and improvement of the said harbor and works connected therewith, on all goods, wares, merchandize and chattels shipped on board, or landed out of any vessel, steamboat, boat, or any other craft within the limits of the said harbor, or elsewhere, within the limits of the said Corporation; and upon all logs, timber, pine, cedar, and railway ties passing down the River Moira, through or into the Port of Belleville, or through or into the said harbor, and on all vessels, boats and other crafts entering said harbor.

And tolls on timber, &c.

But By-law, &c., must be approved by Governor in Council.

2. Before any By-law or By-laws, to be passed under the first section of this Act, or any tariff or schedule of fees or dues, imposed thereby, shall have any force or effect, the said By-law or By-laws, and the said schedule or tariff, shall be approved by the Governor in Council.

If any person refuses to pay tolls, they may be levied by seizure and sale.

3. If any person or persons, neglect or refuse to pay the tolls or dues to be imposed or collected under this Act, or any By-law that may be passed under the authority thereof, the said Corporation, or their officer, clerk, servant, agent or lessee may seize and detain the goods, wares, merchandize and chattels, logs, timber, pine, cedar and railway ties, on which the same are due and payable, until such tolls or dues are paid; and if the same be unpaid after the space of thirty days after such seizure, the said Corporation, or their officer, clerk, servant or lessee, as aforesaid, may sell and dispose of the said goods, wares, merchandize, chattels, logs, timber, pine, cedar and railway ties, or such part thereof as may be necessary to pay the said tolls or dues, and the reasonable costs and charges of keeping and selling the same, by public auction, giving ten days' notice thereof, and returning the surplus, if any, to the owner or owners thereof.

Vessels to be liable for dues.

4. Every vessel, boat, or other craft, on board of which wares, merchandize, chattels, and other things are shipped, or from which they are landed, shall be liable for the dues chargeable against such

such goods, wares, merchandize, chattels, and other things; and in the event of non-payment thereof, may be detained until payment thereof is made.

5. Nothing in this Act contained shall affect any of the powers given to the said Corporation by any Act now in force, authorising them to pass By-laws for the regulation and management of the said harbor. **Existing powers of Corporation not affected.**

6. The said harbor and works thereof shall be subject to the provisions of any Act or Acts of the Parliament of Canada, which may be passed hereafter for the construction, improvement, regulation or maintenance of harbors. **Harbor to be subject to any general law.**

CAP. XLVII.

An Act to incorporate a Company for the construction of a Ship Canal to connect the waters of Lake Champlain and the River Saint Lawrence.

[*Assented to* 12*th May*, 1870.]

Preamble. WHEREAS the construction of a Ship Canal to connect the River Saint Lawrence with Lake Champlain, leaving the Saint Lawrence at some point on Lake Saint Louis, and coming out at some point on the River Richelieu or on Lake Champlain, would tend much to advance the general interests of the Dominion of Canada, by greatly increasing the business which would be carried on through the Saint Lawrence Canals, with Boston, New York, and other eastern Cities in the United States, and would greatly contribute to promote the trade, and facilitate the communication between the eastern and western sections of Canada, as well as with the Western States, and particularly the transportation of timber and lumber from the Ottawa and Quebec Districts; And whereas the several persons hereinafter named are desirous to make and maintain the said Canal, and desire to be incorporated for that purpose, and it is expedient to incorporate them accordingly: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The Honorable John Young, of the City of Montreal, the Honorable James Skead, of the City of Ottawa, Samuel Willard Foster, of the Village of Knowlton, Advocate, Frank Smith, Esquire, of the City of Toronto, and Victor Hudon, of the City of Montreal, and such other persons as shall be named by them for the purpose, shall be provisional directors of the company hereby incorporated, and together with such other person or persons as shall, under the provisions of this Act, become subscribers to and proprietors of **Certain persons and their successors incorporated for the purpose of making a canal from the St. Lawrence to Lake Champlain.**

 any

any share or shares in the Canal hereby authorized to be made, and other works and property hereinafter mentioned, and their several and respective heirs, executors, administrators, curators and assigns, being proprietors of such share or shares, are and shall be united into a Company for carrying on, making, completing and maintaining the said Canal and other works, according to the rules, orders and directions hereinafter expressed, and shall for that purpose be one body politic and corporate by the name of *The Caughnawaga Ship Canal Company*, and by that name shall have perpetual succession, and shall have a Common Seal, and other the usual powers and rights of bodies corporate, not inconsistent with the other provisions of this Act, and by that name shall and may sue and be sued, and may purchase and hold lands (which word throughout this Act shall be understood to include the land and all that is upon or below the surface thereof, and all the real rights and appurtenances thereunto belonging) for them and their successors or assigns, for the use of the said Canal and works, without Her Majesty's *Lettres d'Amortissement*, and also to alienate and convey any of the said lands purchased for the purposes aforesaid; and any person or persons, bodies politic or corporate, or communities, may give, grant, bargain, sell or convey to the said Company any lands for the purposes aforesaid, and the same may re-purchase of the said Company without *Lettres d'Amortissement;* and the said Company shall be, and are hereby authorized and empowered from and after the passing of this Act, by themselves, their deputies, agents, officers, workmen and servants, to make and complete a Canal, to be called the *Caughnawaga Ship Canal*, from a point on the River St. Lawrence on Lake St. Louis, to such point on the River Richelieu, or on Lake Champlain, or on the Chambly Canal, as may be found most desirable and convenient for the general interests of trade and of the public, subject however, to the provisions of sections nine and ten of this Act.

Corporate name and powers.

Limits within which the canal shall be made.

Plan of the canal, &c., to be approved by the Governor in Council.

2. Provided always, that before the said Company shall break ground or commence the construction of the said Canal, the plan, location, dimensions, and all necessary particulars of the said Canal, and the Locks, Bridges and other works therewith connected, and the points at which it is to leave the River St. Lawrence, and to enter the Richelieu River, or Lake Champlain, or the Chambly Canal, shall have been submitted to and received the sanction of the Governor in Council; and that the said Canal and the Locks and works thereon shall not be of a less size, depth or capacity than the Beauharnois Canal on the River St. Lawrence;—and all maps, plans, surveys, levels, reports and documents relating to any proposed Canal from the St. Lawrence to Lake Champlain now in possession of the Government, or copies thereof, shall be open to the said Company to aid it in the prosecution of its works, and the preparation of the map or plan and book of reference hereinafter mentioned; and provided also, that the said Company shall, at their own cost and charges, make and maintain such works as may be necessary to secure the safest and most prompt working of the trains upon any line of Railway that

Size of the canal, &c.

Government maps, &c., to be open to the Company.

Proviso for the securing the free passage of railway trains &c.

that the said Canal may intersect; that the charges of watching any such works shall be paid for by the Canal Company; that all works rendered necessary by the intersection of any lines of Railway shall be submitted to the Companies owning the said Railway lines, and approved of by the Governor General in Council before being commenced; and that full and proper compensation shall be made to the Railway Companies for the injury and damage done to their lines by the intersection of the Canal.

Power to the Company to set out and survey lands necessary for their works, &c.

3. For the purposes of this Act, the said Company, their Deputies, Servants, Agents and Workmen, are hereby authorized and empowered to enter into and upon any lands and grounds of the Queen's Most Excellent Majesty, not hereinafter excepted, or of any person or persons, bodies politic or corporate or collegiate, or communities or parties whatsoever, and to survey and take levels of the same, or any part thereof, and to set out and ascertain such parts thereof as they shall think necessary and proper for making the said intended Canal and other works hereby authorized, and all such works, matters and conveniences as they shall think proper and necessary for making, effecting, preserving, improving, completing, maintaining and using the said intended Canal and other works, and to dig, cut, trench, get, remove, take, carry away and lay, earth, clay, stone, soil, rubbish, trees, roots of trees, beds of gravel or sand, or any other matters or things which may be dug or got in making the said intended Canal or other works, on or out of the lands or grounds of any person or persons adjoining or lying convenient thereto, and which may be proper, requisite or necessary for making or repairing the said intended Canal or the works incidental or relative thereto, or which may hinder, prevent or obstruct the making, using or completing, extending or maintaining the same, respectively, according to the intent and purpose of this Act; and to make, build, erect and set up, in or upon the said intended Canal or upon their lands adjoining or near the same respectively, such and so many houses, warehouses, toll houses, watch houses, telegraphs, or other signals, weighing beams, cranes, steam-engines, or other engines, tow-paths, machines, and other works, as the said Company shall think requisite and convenient for the purposes of the said Canal, and also from time to time to alter, repair, divert, widen, enlarge and extend the same; and also to make, maintain, repair and alter any bridges, passages over, under or through the said intended Canal, and to construct, erect and keep in repair any bridges, arches and other works, upon and across any rivers or brooks for the making, using, maintaining and repairing of the said intended Canal; and to turn any such brook, river or water-course, and to change its course; and the said Company, their Agents or Contractors, shall have the right to enter upon any property or lands adjacent to the said Canal on which there may be found quarries of stone requisite for constructing the Locks or other works of the said Canal, and to quarry and take stone therefrom for the said purposes, compensating the owners as hereinafter provided; and to construct, erect, make and do all other

To get and place materials.

To erect buildings, machinery, &c.

Bridges and other works for passing streams, &c.

To open quarries.

Other works necessary for the canal.

As little damage as possible to be done, and compensation to be made.

matters and things which they shall think convenient and necessary for the making, effecting, extending, preserving, improving and completing of the said intended Canal and other works, and in pursuance of, and according to the true intent and meaning of this Act, they the said Company doing as little damage as may be in the execution of the several powers to them hereby granted, and making satisfaction in manner hereinafter mentioned to the owners or proprietors of, or the persons interested in the lands, tenements and hereditaments, water, water-courses, brooks or rivers respectively, which shall be taken, used, removed, prejudiced, or of which the course shall be altered, and for all damages to be by them sustained in or by the execution of all or any of the powers given by this Act; and this Act shall be sufficient to indemnify the said Company and their Servants, Agents or Workmen, and all other persons whatsoever for what they or any of them shall do by virtue of the powers hereby granted, subject nevertheless to such provisions and restrictions as are hereinafter mentioned.

Company to take surveys and levels of the lands through which canal is to be carried, and make a map and book of reference.

The same to be examined and deposited.

Copies may be taken, &c.; and, being certified, shall be evidence.

4. For the purposes of this Act, the said Company shall and may by some sworn Land Surveyor for the Province of Quebec, and by an engineer or engineers by them to be appointed, cause to be taken and made, surveys and levels of the lands through which the said intended Canal is to be carried, together with a map or plan of such Canal, and of the course and direction thereof, as finally approved by the Governor in Council, and of the said lands through which the same is to pass, and the lands intended to be taken for the several purposes authorized by this Act, so far as then ascertained, and also a book of reference for the said Canal in which shall be set forth a description of the said several lands, and the names of the owners, occupiers and proprietors thereof, so far as they can be ascertained by the said Company, and in which shall be contained every thing necessary for the right understanding of such map or plan; which said map or plan and book of reference shall be examined and certified by such person as the Governor shall designate for that purpose, who shall deposit copies thereof, in the English and French languages, in the office of the Prothonotary of the Superior Court in the District of Montreal, and also the office of the Secretary of State of Canada, and shall also deliver one copy thereof to the said Company; and all persons shall have liberty to resort to such copies so to be deposited as aforesaid, and to make extracts or copies thereof as occasion shall require, paying to the said Secretary of State or to the said Prothonotary, at the rate of ten cents for every one hundred words; and the said triplicates of the same plan or map and book of reference so certified, or a true copy thereof certified by the said Secretary of State, or by the Prothonotary of the Superior Court in the said District, shall severally be and are hereby declared to be good evidence in the Courts of Law and elsewhere in Canada.

Bridges where the canal shall cross highways.

5. The said Company shall, at each and every place where the said Canal shall cross any highway, erect and keep good and sufficient draw-bridges to the satisfaction of the Governor in Council

Council, and which shall be kept shut except when Vessels are passing, so that the public thoroughfare may be as little impeded as possible; and shall not in making the said Canal cut through or interrupt the passage on any public road until they shall have made a convenient road past their works for the use of the public; and for every day on which they shall neglect to comply with the requirements of this section, the said Company shall incur a penalty of ten dollars.

Penalty for obstructing.

6. The lands or grounds to be taken or used without the consent of the proprietors, for the said Canal and the ditches, drains and fences to separate the same from the adjoining lands, shall not exceed one hundred and fifty yards in breadth, except in places where basins and other works are required to be cut or made as a necessary part of the Canal, as shewn on the plan approved by the Governor in Council.

What quantity of land may be taken.

7. The said Company may make, carry or place their said intended Canal or works into, and across or upon the lands of any person or party whomsoever in the line shewn on the plan aforesaid, (or within the distance of five hundred yards from such line, except at the points of entering the rivers aforesaid or Lake Champlain, where they shall be confined to the line shewn on the said plan), although the name of such party be not entered in the said book of reference, through error, want of sufficient information, or any other cause, or although some other person or party be erroneously mentioned as the owner of, or party entitled to convey, interested in such lands.

Provision for deviation, errors in book of reference, &c.

8. The said Company may take, use, occupy and hold, but not alienate, so much of the Public Beach or Beach Road, or of the land covered with the waters of the rivers or lake which the said Canal may cross, start from or terminate at, as may be required for the wharves and other works of the said Canal, for making easy entrances thereto and other works which they are hereby authorized to construct, doing no damage to nor causing any obstruction in the navigation of the said rivers or lake, and conforming in all respects to the plan and mode of construction sanctioned as aforesaid by the Governor in Council, except in so far only as he may at any time authorize a deviation from such plan and mode of construction.

Company may use beaches, &c., doing no damage to the navigation, and conforming to the approved plan.

9. The Governor in Council may authorize the Minister of Public Works to enter into any agreement with the said Company, and from time to time modify the same, allowing the said Company, upon such terms and conditions as may be fixed by such agreement, to cause their Canal to enter into the Chambly Canal, and to use, in connection with their said Canal, the whole or any portion of the Chambly Canal, and to enlarge and increase the capacity of the said last-mentioned Canal, or such part thereof as may be so used, to such extent as to make it of uniform size with the Canal hereby authorized to be constructed.

Governor in Council may authorize the use of the Chambly Canal, or part of it.

10.

Or the improvement of the River Richelieu.

10. The Governor in Council may authorize the Minister of Public Works, to enter into an agreement with the said Company, upon such terms and conditions as may be fixed by the said agreement, and from time to time to modify the same, for the improvement by the said Company of the Richelieu River, by dredging or otherwise, and also for the enlargement of the St. Ours Lock and Dam, and thereby and otherwise to improve the navigation of the River Richelieu, between Sorel and Lake Champlain, so as to adapt the same for the use of the same class of vessels, as those navigating the Canal hereby authorized to be made.

Company may lease water power, &c., created by the canal.

11. The said Company shall have the power to use, sell, lease, rent or otherwise dispose of, for their sole use and benefit, any water brought by their said Canal which may not be required for the purposes thereof, but which may be used or found useful and applicable to drive any machinery in mills, warehouses, manufactories or otherwise, on such terms as they may deem expedient and advisable.

LANDS AND THEIR VALUATION.

After any lands have so been set out.

12. After any lands shall be set out and ascertained in manner aforesaid, for making and completing the said Canal and other works, and other the purposes and conveniences hereinbefore mentioned:—

Certain parties may convey to Company.

1. All Corporations and persons whatever, tenants in tail or for life, *grevés de substitution*, guardians, curators, executors, administrators, and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, *femes-covert*, or other persons, seized, possessed of, or interested in any lands, may contract, sell or convey unto the Company all or any part thereof:

Limitation in certain cases.

2. But the powers by the next preceding sub-section conferred upon Ecclesiastical and other Corporations, Trustees of Land for Church and School purposes, or either, Executors appointed by Wills in which they are not invested with any power over the real estate of the Testator, Administrators of persons dying intestate, but at their death seized of real estate, shall only extend and be exercised with respect to any of such lands actually required for the use and occupation of the Company;

Contract or agreement for sale.

3. Any contract, agreement, sale, conveyance and assurance so made, under the two preceding sub-sections, shall be valid and effectual in law to all intents and purposes whatsoever, and shall vest in the Company the fee simple in the lands in such deed described, freed and discharged from all trusts, restrictions and limitations whatsoever; and the Corporation or person so conveying, is hereby indemnified for what it or he respectively does by virtue of or in pursuance of this Act;

4. The Company shall not be responsible for the disposition of any purchase money for lands taken by them for their purposes, if paid to the owner of the land, or into Court for his benefit, as hereinafter provided. **Disposition of purchase money.**

5. Any contract or agreement made, as it may be, by any party authorized by this Act to convey lands, and made before the deposit of the Map or Plan and Book of Reference, and before the setting out and ascertaining of the lands required for the Canal or works of the Company, shall be binding at the price agreed upon for the same lands, if they are afterwards so set out and ascertained within one year from the date of the contract or agreement, and although such land may, in the meantime, have become the property of a third party; and possession of the land may be taken and the agreement and price may be dealt with, as if such price had been fixed by an award of Arbitrators as hereinafter provided, and the agreement shall be in the place of an award; **Contract before deposit of map.**

6. All Corporations or parties who cannot in common course of law sell or alienate any lands so set out and ascertained, shall agree upon a fixed annual rent as an equivalent, and not upon a principal sum, to be paid for the lands; and if the amount of the rent is not fixed by voluntary agreement or compromise, it shall be fixed and all proceedings shall be regulated in the manner herein prescribed; and for the payment of the said annual rent, and every other annual rent agreed upon or ascertained, and to be paid for the purchase of any lands, or for any part of the purchase money of any lands, which the vendor agrees to leave unpaid, the Canal and works and the tolls thereon shall be liable and chargeable in preference to all other claims and demands thereon whatsoever, the deed creating such charge and liability being duly registered in the Registry Office of the proper District, County, or Registration Division; **Fixed rent to be paid in certain cases.** **How the rent or purchase money shall be secured if not paid.**

7. Whenever there is more than one party proprietor of any land as joint tenants or tenants in common, or *par indivis*, any contract or agreement made in good faith with any party or parties proprietor, or being together proprietors of one third or more of such land, as to the amount of compensation for the same or for any damages thereto, shall be binding as between the remaining proprietor or proprietors as joint tenants or tenants in common or *par indivis*; and the proprietor or proprietors who have so agreed, may deliver possession of such land, or empower the entry upon the same, as the case may be; **As to proprietors *par indivis*, &c.**

8. After the deposit of the Map or Plan and Book of Reference, and after notice thereof given for one month in English and French in at least one newspaper published in the City of Montreal, the Company may apply to the owners of lands or to parties empowered to convey lands, or interested in lands which may suffer damage from the taking of materials or the exercise of any of the powers granted for the Canal and works; and in the case of **Application to owners after deposit of map.**

of Indian lands application shall be made to the Secretary of State for the Provinces; and thereupon, agreements and contracts may be made with such parties touching the said lands or the compensation to be paid for the same, or for the damages, or as to the mode in which such compensation shall be ascertained, as may seem expedient to both parties, and in case of disagreement between them, or any of them, then all questions which arise between them, shall be settled as follows, that is to say:

Deposit to be general notice

9. The deposit of a Map or Plan and Book of Reference, and the notice of such deposit, shall be deemed a general notice to all the parties, of the lands which will be required for the Canal and works;

Notice to party what to contain.

10. The notice served upon the party shall contain:

a. A description of the lands to be taken, or of the powers intended to be exercised with regard to any lands, describing them;

b. A declaration of readiness to pay some certain sum or rent, as the case may be, as compensation for such lands or for such damages; and,

c. The name of a person to be appointed as the Arbitrator of the Company, if their offer be not accepted; And such notice shall be accompanied by the certificate of a sworn Surveyor for the Province of Quebec, disinterested in the matter, and not being the Arbitrator named in the notice,—

That the land, if the notice relate to the taking of land shewn on the said Map or Plan, is required for the Canal, or is within the limits of deviation hereby allowed;

That he knows the land, or the amount of damage likely to arise from the exercise of the powers; and,

That the sum so offered is, in his opinion, a fair compensation for the land, and for the damages as aforesaid.

If the owner be absent or unknown.

11. If the opposite party is absent from the County in which the lands lie, or is unknown, then, upon application to a Judge of the Superior Court for the District, accompanied by such certificate as aforesaid, and by an affidavit of some officer of the Company that the opposite party is so absent, or that, after diligent enquiry, the party on whom the notice ought to be served cannot be ascertained, the Judge shall order a notice as aforesaid, (but without a Certificate,) to be inserted three times in the course of one month in two newspapers published in the City of Montreal, one in the English language and the other in the French language, to be named by the Judge.

12.

12. If within ten days after the service of such notice, or within one month after the first publication thereof, the opposite party does not notify to the Company his acceptance of the sum offered by them, or notify to them the name of a person whom he appoints as Arbitrator, then the Judge shall, on the application of the Company, appoint a Sworn Surveyor for the Province of Quebec, to be sole Arbitrator for determining the compensation to be paid as aforesaid; Party not accepting offer and not appointing an Arbitrator.

13. If the opposite party within the time aforesaid, notifies to the Company the name of his Arbitrator, then the two Arbitrators shall jointly appoint a third, or if they cannot agree upon a third (of which fact the allegation of either of them shall be evidence) then the Minister of Public Works shall, on the application of the party or of the Company (previous notice of at least two clear days having been given to the other party), appoint one of the Official Arbitrators to be a third Arbitrator; If he appoints one. Third Arbitrator.

14. The Arbitrators, or two of them, or the sole Arbitrator, being sworn before some Justice of the Peace for the District in which the lands lie, faithfully and impartially to perform the duties of their office, shall proceed to ascertain the said compensation in such way as they or he, or a majority of them, deem best, and the award of such Arbitrators, or any two of them, or of the sole Arbitrator, shall be final and conclusive; But no such award shall be made or any official act be done by such majority, except at a meeting held at a time and place of which the other Arbitrator has had at least two clear days notice, or to which some meeting at which the third Arbitrator was present, had been adjourned; and no notice to either of the parties shall be necessary, but each party shall be held sufficiently notified through the Arbitrator appointed by him, or whose appointment he required; Duties of Arbitrators. Award by majority.

15. The Arbitrators in deciding on such value or compensation, are authorized and required to take into consideration the increased value that would be given to any lands or grounds through or over which the Canal will pass, by reason of the passage of the Canal through or over the same, or by reason of the construction of the Canal, and to set off the increased value that will attach to the said lands or grounds against the inconvenience, loss or damage that might be suffered or sustained by reason of the Company taking possession of or using the said lands or grounds as aforesaid. Increased value by canal to be considered.

16. The award given by any sole Arbitrator shall never be for a less sum than that offered by the Company, as aforesaid; and if in any case where three Arbitrators have been appointed, the sum awarded is not greater than that offered, the costs of the Arbitration shall be borne by the opposite party, and be deducted from the compensation, but if otherwise, they shall be borne by the Company, and in either case they may, if not agreed upon, be taxed by the Judge; Costs, how paid.

Power to examine parties or witnesses on oath.

17. The Arbitrators, or a majority of them, or the sole Arbitrator, may examine on oath or solemn affirmation the parties, or such witnesses as voluntarily appear before them or him, and may administer such oath or affirmation; and any wilfully false statement made by any witness, under such oath or affirmation, shall be deemed wilful and corrupt perjury, and punishable accordingly;

Time for making the award.

18. The Judge by whom any third Arbitrator or sole Arbitrator is appointed, shall fix a day on or before which the award shall be made, and if the same is not made on or before such day, or some other day to which the time for making it has been prolonged, either by the consent of the parties or by order of the Judge, as it may be for reasonable cause shown on the application of the sole Arbitrator or of one of the Arbitrators, after one clear day's notice to the others, then, the sum offered by the Company as aforesaid, shall be the compensation to be paid by them;

Arbitrator dying.

19. If the sole Arbitrator appointed by the Judge, or the Official Arbitrator appointed by the Minister of Public Works, or any Arbitrator appointed by the parties, dies before the award has been made, or is disqualified, or refuses or fails to act within a reasonable time, then, in the case of the sole Arbitrator the Judge, upon the application of either party, and in the case of the official Arbitrator, the Minister of Public Works, upon a like application, the Judge or Minister being satisfied by affidavit or otherwise of such death, disqualification, refusal or failure, may appoint another Arbitrator in his place, and in the case of any Arbitrator appointed by the parties, the Company or party respectively may appoint an Arbitrator in the place of his or their Arbitrator so deceased or not acting, notifying the other party or his or their Arbitrator of such appointment, but no recommencement or repetition of prior proceedings shall be required in any case;

Desisting from notice and giving a new one.

20. Any such notice for lands, as aforesaid, may be desisted from and new notice given, with regard to the same or other lands, to the same or any other party, but in any such case, the liability to the party first notified for all damages or costs by him incurred in consequence of such first notice and desistment, shall subsist;

Certain persons not disqualified as Arbitrators

21. The Surveyor or other person offered or appointed as Valuator or as sole Arbitrator, shall not be disqualified by reason that he is professionally employed by either party, or that he has previously expressed an opinion as to the amount of compensation, or that he is related or of kin to any member of the Company, provided he is not himself personally interested in the amount of the compensation; and no cause of disqualification shall be urged against any Arbitrator appointed by the Judge, after his appointment, but the objection must be made before the appointment, and its validity or invalidity shall be summarily determined by the Judge;

Time for objecting.

22.

22 No cause of disqualification shall be urged against any Arbitrator appointed by the Company or by the opposite party, after the appointment of a third Arbitrator; and the validity or invalidity of any cause of disqualification urged against any such Arbitrator, before the appointment of a third Arbitrator, shall be summarily determined by the Judge, on the application of either party, after two clear days' notice to the other, and if the cause is determined to be valid, the appointment shall be null, and the party offering the person so adjudged to be disqualified, shall be held not to have appointed an Arbitrator; No objection allowed after a certain time.

23. No award shall be invalidated from any want of form or other technical objection, if the requirements of this Act have been complied with, and if the award states clearly the sum awarded, and the lands or other property, right or thing for which such sum is to be the compensation; nor shall it be necessary that the party or parties to whom the sum is to be paid, be named in the award; Awards not avoidable for want of form.

24. Upon payment or legal tender of the compensation or annual rent so awarded or agreed upon, to the party entitled to receive the same, or upon the deposit of the amount of such compensation in the manner hereinafter mentioned, the award or agreement shall vest in the Company the power forthwith to take possession of the lands, or to exercise the right, or to do the thing for which such compensation or annual rent has been awarded or agreed upon; and if any resistance or forcible opposition be made by any person to their so doing, the Judge may, on proof to his satisfaction of such award or agreement, issue his Warrant to the Sheriff of the District, or to a Bailiff, as he may deem most suitable, to put the Company in possession, and to put down such resistance or opposition, which the Sheriff or Bailiff, taking with him sufficient assistance, shall accordingly do; Possession on payment of tender of compensation. (?) Warrant of possession.

25. Such Warrant may also be granted by the Judge, without such award or agreement, on affidavit to his satisfaction that the immediate possession of the lands or of the power to do the thing mentioned in the notice, is necessary to carry on some part of the Canal or works with which the Company are ready forthwith to proceed; and upon the Company giving security to his satisfaction and in a sum which shall not be less than double the amount mentioned in the notice, to pay or deposit the compensation to be awarded within one month after the making of the award, with interest from the time at which possession is given, and with such costs as may be lawfully payable by the Company: Warrant in certain cases of necessity before award. Security in such case.

26. The compensation for any lands which might be taken without the consent of the proprietor, shall stand in the stead of such lands; and any claim to or incumbrance upon the said lands, or any portion thereof, shall, as against the Company, be converted into a claim to the compensation, or to a like proportion thereof, and they shall be responsible accordingly whenever they have paid such compensation, or any part thereof, to a party not entitled Compensation to stand in place of the land.

entitled to receive the same, saving always their recourse against such party ;

Proceedings if the Company has reason to fear incumbrances, or any party refuses to convey, &c.

Money may be paid into Court.

27. If the Company has reason to fear any claims or incumbrances, or if any party to whom the compensation or annual rent, or any part thereof is payable, refuses to execute the proper conveyance and guarantee, or if the party entitled to claim the same cannot be found, or is unknown to the Company, or if for any other reason the Company deems it advisable, the Company may pay such compensation into the hands of the Prothonotary of the Superior Court for the District in which the land is situate, with the interest thereon for six months, and may deliver to the said Prothonotary an authentic copy of the conveyance, or of the award if there be no conveyance, and such award shall thereafter be deemed to be the title of the Company to the land therein mentioned, and proceedings shall thereupon be had for the confirmation of the title of the Company, in like manner as in other cases of confirmation of title, except that, in addition to the usual contents of the notice, the Prothonotary shall state that the title of the Company (that is, the conveyance or award,) is under this Act, and shall call upon all persons entitled to the lands, or any part thereof, or representing or being the husband of any party so entitled, to file their claims to the compensation, or any part thereof, and all such claims shall be received and adjudged upon by the Court ;

Proceedings for confirmation of title.

Effect of judgment of confirmation of title.

28. Such judgment of confirmation shall forever bar all claims to the land, or any part thereof (including dower not yet open) as well as any mortgage, hypothec or incumbrance upon the same ; and the Court shall make such order for the distribution, payment or investment of the compensation, and for the security of the rights of all parties interested, as to right and justice, and the provisions of this Act and to law, shall appertain ;

Costs, how paid.

29. The costs of the proceedings, or any part thereof, shall be paid by the Company, or by any other party, as the Court may order ; and if judgment of confirmation be obtained in less than six months from the payment of the compensation to the Prothonotary, the Court shall direct a proportionate part of the interest to be returned to the Company, and if from any error, fault or neglect of the Company, it is not obtained until after the six months have expired, the Court shall order the Company to pay the Prothonotary the interest for such further period as may be right.

Interest.

If the compensation do not exceed $80.

30. If the amount of the said compensation do not exceed eighty dollars, the same may be paid by the Company to the party in whose possession, as proprietor, the land was at the time the Company took possession thereof, or to any person who may lawfully receive money due to such party, and proof of such payment, and the award, conveyance or agreement, shall be a sufficient title to the said Company, and shall forever discharge them from all claims of any

any other party to such compensation or any part thereof, saving always the recourse of such other party against the party who shall have received such compensation.

31. With regard to any lands which could not be taken without the consent of some party entitled under this Act to convey the same, or in any case in which the requirements of this Act shall not have been complied with, and in all cases where land shall have been taken, or damage shall have been done, by the Company, without previously complying with the requirements of this Act, the rights of the Company and of other parties shall be governed by the ordinary rules of law. **Proviso as to cases where this Act shall not have been complied with.**

32. If the Canal passes through any land belonging to or in possession of any Tribe of Indians in Canada, or if any act occasioning damage to their lands be done under the authority of this Act, compensation shall be made to them therefor, in the same manner as is provided with respect to the lands or rights of other individuals; and whenever it is necessary that Arbitrators should be chosen by the parties, the Secretary of State for the Provinces, is hereby authorized and required to name an Arbitrator on behalf of the Indians, and where the lands belong to the Indians, the amount awarded in any case shall be paid to the said Secretary of State, for the use of such Tribe or Body. **If the lands taken belong to Indians.**

13. All suits for indemnity for any damage or injury sustained by reason of the powers and authority given by this Act, shall be brought within six calendar months next after the time of such supposed damage sustained, or in case there shall be a continuation of damage, then within six calendar months next after the doing or committing such damage shall cease, and not afterwards. **Actions for indemnity limited.**

14. If any person by any means or in any manner or way whatsoever, obstructs or interrupts, the free use of the said Canal or the works incidental or relative thereto or connected therewith, such person shall for every such offence incur a forfeiture or penalty of not less than five dollars nor exceeding forty dollars; one half of which penalty and forfeiture, to be recovered before one or more Justices of the Peace for the District, shall go to the prosecutor or informer, and the other half to Her Majesty, Her Heirs and Successors, and shall be paid into the hands of the Receiver General, and be applied for the public uses of Canada, and the support of the Government thereof. **Penalty on persons obstructing the use of the canal.** **How recoverable and applicable.**

15. If any person or persons wilfully or maliciously, and to the prejudice of the said Canal or other works authorized to be made by this Act, break, damage, or destroy the same, or any part thereof, or any of the houses, warehouses, toll-houses, watch-houses, weigh-beams, cranes, vessels, engines, machines or other works or devices, incidental and relative thereto or connected therewith, or do any other wilful hurt or mischief to, or wilfully or maliciously obstruct the free use of the said Canal or works, or **Punishment of persons breaking down or obstructing or damaging the canal or works.**

obstruct,

obstruct, hinder, or prevent the carrying on, completing, supporting and maintaining the said intended Canal or works, such person or persons shall be adjudged guilty of felony, and shall be punished in like manner as felons are directed to be punished by law in such manner as the law directs in cases of simple larceny, in the discretion of the Court.

Company to contribute among themselves the necessary sums for carrying on their undertaking.

Proviso: Books of subscription to be opened. Rights of subscribers.

16. And to the end that the said Company may be enabled to carry out so useful an undertaking—The said Company and their successors, may raise and contribute among themselves, in such proportions as to them shall seem meet and convenient, a competent sum of money for the making and completing the said Canal, and all such other works, matters and conveniences as may be found necessary for making, effecting, preserving, improving, completing, maintaining and using the said Canal and other works: Provided always, that the before mentioned Provisional Directors, or any majority of them, shall cause books of subscription to be opened at such places as they shall appoint, for receiving the signatures of persons willing to become subscribers to the said undertaking, and for this purpose they shall give public notice in one or more newspapers in the English and French languages, of the time and places at which such books will be opened and ready for receiving signatures as aforesaid, and of the Banks by them authorized to receive such subscriptions; and every person who or whose Attorney shall write her or his signature in such book as a subscriber to the said undertaking, and pay such deposit as may be required by the said Provisional Directors or the majority of them on the sum subscribed for, shall thereby become a Member of the Corporation, and shall have the same rights and privileges as such, as are hereby conferred on the several persons who are herein mentioned by name as Members of the said Corporation:

Proviso: Capital limited.

Provided always, that the sum so raised shall not exceed the sum of three million dollars in the whole, except as hereinafter mentioned; and that the money so raised shall be laid out and applied in the first place for and towards the payment and discharge and satisfaction of all fees and disbursements for obtaining and passing this Act, and for making the surveys, plans and estimates incident thereto, and all other expenses relating thereunto, and in re-imbursing to the parties mentioned in the Act of the Legislature of the late Province of Canada, for incorporating a Company to make the said Canal, passed in the twelfth year of Her Majesty's Reign, and chaptered one hundred and eighty, and now expired by non-user, the fees and disbursements incurred by them, respectively, in obtaining the passing of the said Act, and for making surveys, plans, and estimates relating to the said Canal, and obtaining information relative thereto, or otherwise connected with and preliminary to the carrying out of the said Act, and of this Act, and all the rest, residue and remainder of such money for and towards making, completing and maintaining the said Canal, and other the purposes of this Act, and to no other use, intent or purpose whatever.

Order of charges on the capital; certain preliminary expenses to be first paid.

17.

17. The said sum of three million dollars, or such part thereof as shall be raised by the several persons hereinbefore named, and by such other person or persons as shall or may at any time become a subscriber or subscribers to the said Canal, shall be divided into equal parts or shares of one hundred dollars, currency, per share; and the shares shall be deemed personal estate, and shall be transferable as such; and the said shares shall be and are hereby vested in the said several subscribers and their several and respective heirs, executors, curators, administrators and assigns, proportionally to the sums they and each of them shall severally subscribe and pay thereunto; and all and every the bodies politic, corporate or collegiate, or communities, and all and every person or persons, their several and respective successors, executors, curators, administrators and assigns, who shall severally subscribe and pay the sum of one hundred dollars, or such sums as shall be demanded in lieu thereof, towards carrying on and completing the said Canal, shall be entitled to and receive, after the said Canal shall be completed, the entire and net distribution of the profits and advantages that shall and may arise and accrue by virtue of the money to be raised, recovered or received by the authority of this Act, in proportion to the number of shares so held; and every body politic, corporate or collegiate, or community, person or persons, having such property or shares in the said undertaking, and so in proportion as aforesaid, shall bear and pay an adequate and proportional sum of money towards carrying on the said undertaking, in manner by this Act directed and appointed.

Capital to be divided into Shares of $100 each.

To be personal property and transferable.

Rights of Shareholders to profits, &c.

Their liabilities.

2. Interest shall be allowed to all subscribers of stock in the said Company, on the sums by them respectively paid in on their respective subscriptions, at the rate of six per cent. per annum from the time the same is paid until the Canal is opened for business, to be paid by the issue of new stock of the Company at par, provided that no fraction of a share shall be issued and no subscriber shall be entitled to an issue of stock for this purpose, until the interest due such subscriber shall be equal to at least one share of the said stock.

Interest to be allowed on stock paid up before the canal is finished.

18. In case the said sum of three million dollars be found insufficient for the purposes of this Act, then the said Company may raise and contribute among themselves in manner and form aforesaid, and in such shares and proportions as to them shall seem meet, or by the admission of new subscribers, a further or other sum of money for completing and perfecting the said intended Canal and other works or conveniences incidental or relative thereto, or hereby authorized, not exceeding the sum of one million dollars; and every subscriber towards raising such further or other sum of money, shall be a proprietor in the said undertaking, and have a like right of voting in respect of his, her or their shares in the said additional sum so to be raised, and shall also be liable to such obligations, and stand interested in all the profits and powers of the said undertaking, in proportion to the sum he, she or they shall

If the said capital be insufficient the Company may raise a further sum.

Rights of subscribers.

shall or may subscribe thereto, as generally and extensively as if such other or further sum had been originally raised as a part of the said first sum of three million dollars.

Company may borrow a limited sum of money;

19. The said Company may from time to time lawfully borrow either in Canada or elsewhere, such sum or sums of money not exceeding at any time one fourth part of the amount paid up, as they may find expedient, and at such rate of interest per annum as they may think proper, any thing in the laws of Canada to the contrary notwithstanding; and may make the bonds, debentures or other securities they shall grant for the sums so borrowed payable either in currency or in sterling, and at such place or places as the Shareholders may deem advisable, and such bonds or debentures shall constitute a privileged charge upon the tolls, revenues and other moveable property of the said Company, and a hypothèque without registration upon all the immoveable property thereof, as security ranking on such moveable and immoveable property according to the dates of the issue by the Company of such bonds or debentures, as if duly registered at such dates respectively, for the due payment of the said sums and the interest thereon, but no such debenture if payable to bearer shall be for a less sum than four hundred dollars: Provided always that the sum or sums so borrowed, together with the sum or sums raised by stock or subscription, shall not at any time exceed the sum of three or four million dollars, as the case may be.

And hypothecate their property.

Proviso.

Votes of Proprietors according to the number of their shares.

20. The number of votes to which to each proprietor of shares in the said undertaking shall be entitled on every occasion when in conformity to the provisions of this Act the votes of the Members of the said Company are to be given, shall be in the proportion to the number of shares held by him, that is to say: one vote for any less number that five shares, and each holder or proprietor of every five shares and upwards, shall have two votes for every five shares; and all proprietors of shares may vote by proxy, if they shall see fit, provided that such proxy do produce from his constituent or constituents, an appointment in writing, in the words or to the following effect, that is to say:

Proprietors may vote by proxy.

Form of appointment of proxy.

"I of one
"of the Members of the *Caughnawaga Ship Canal Company*,
"do hereby nominate, constitute and appoint
" of to be my proxy, and in my
"name, and in my absence to vote or give my assent or dissent to
"any business, matter or thing relating to the said undertaking that
"shall be mentioned or proposed at any meeting of the Members
"of the said Company, or any of them, in such manner as he the
"said shall think proper, accord-
"ing to his opinion and judgment, for the benefit of the said
"undertaking, or any thing appertaining thereto. In witness
"whereof, I have hereunto set my hand and seal, the
" day of in the year

And

And such vote or votes by proxy shall be as valid as if the principal or principals had voted in person; and every question, election of proper Officers, or matters or things which shall be proposed, discussed or considered in any public meeting of the Proprietors to be held by virtue of this Act, shall be determined by the majority of votes and proxies then present and so given as aforesaid, and all decisions and acts of any such majority shall bind the said Company, and be deemed the decisions and acts of the said Company. Questions to be decided by majority of votes.

21. Aliens shall have the same right as British subjects to take and hold stock or shares in the Company, and to vote either as principals or proxies; provided that the President of the Company and a majority of the Directors shall reside in Canada, and be subjects of Her Majesty. Aliens may vote, &c. Proviso.

22. No Member of the said Company shall be in any manner whatsoever liable for or charged with the payment of any debt or demand due by the Company, beyond the extent of his or her share in the Capital of the Company not paid up. Liabilities of Shareholders limited.

23. The first General Meeting of the Members of the Company for putting this Act into execution, may be held at Montreal, whenever sufficient shares have been subscribed for, provided that public notice thereof be given during one week, in at least one newspaper published in the English, and at least one published in the French language, and signed by at least three of the subscribers to the said undertaking holding among them at least one hundred shares; and at such said General Meeting, the Members assembled, with such proxies as shall be present, shall choose nine Directors, being each a Proprieter of not less than five shares in the said undertaking, in such manner as is hereinafter directed, and may also proceed to pass such Rules and Regulations and By-laws as shall seem to them fit, provided they be not inconsistent with this Act, or with the laws of Canada. The first general meeting of the Proprietors to be held at Montreal. To elect a Board of nine Directors. Qualification.

24. The Directors first appointed (or those appointed in their stead in case of vacancy) shall remain in office until the election of Directors in the month of January of the then next year, and in the month of January in the said year and each year thereafter, and on such day of the month as shall be appointed by any By-law, an Annual General meeting of the Members of the Company shall be held to choose Directors in the room of those whose office may at that time become vacant, and generally to transact the business of the Company; but if at any time it shall appear to any five or more of such Members holding together one hundred shares at least, that for more effectually putting this Act in execution, a Special General Meeting of the Members is necessary to be held, such five or more of them may cause fifteen days' notice at least to be given thereof in two public newspapers as aforesaid, or in such manner as the Company shall by any By-law direct or appoint, specifying in such notice the time and place, and the reason and intention of such Special Meetings, respectively; and the Members Annual election of Directors. Special meeting of Proprietors may be called.

 are

Quorum at special meetings.

are hereby authorized to meet pursuant to such notices, and proceed to the execution of the powers by this Act given them, with respect to the matter so specified only; and all such acts of the Members or the majority of them, at such Special Meetings assembled, (such majority not having either as principals or proxies less than one hundred shares,) shall be as valid to all intents and purposes as if the same were done at Annual Meetings: Provided always, that it shall and may be lawful for the said Members at such Special Meetings, (in like manner as at Annual Meetings,) in case of the death, absence, resignation or removal of any person elected a Director to manage the affairs of the said Company in manner aforesaid, to appoint another or others in the room or stead of those of the Directors who may die, resign, or be removed as aforesaid; but if such appointment be not made, such death, absence or resignation shall not invalidate the acts of the remaining Directors.

Proviso: Vacancies among the Directors; how filled.

Proviso.

Five Directors to retire annually.

25. At each of the said Annual Meetings of the Members of the said Company, five of the said Directors shall retire, the order of retirement of the said first elected Directors being decided by ballot, but the Directors then or at any subsequent time retiring, shall be eligible for re-election: Provided always, that no such retirement shall have effect, unless the Members shall at any such Annual Meeting proceed to fill up the vacancies thus occurring in the Direction.

Proviso.

Directors to elect a President,

26. The Directors shall, at their first, or at some other Meeting, after the day appointed for the Annual General Meeting in each year, elect one of their members to be the President of the said Company, who shall always (when present) be the Chairman of, and preside at all meetings of the Directors, and shall hold his office until he shall cease to be a Director, or until another President shall be elected in his stead; and the said Directors may in like manner elect a Vice-President who shall act as Chairman in the absence of the President.

And Vice-President.

Five Directors to be a *Quorum*.

27. Any meeting of the said Directors, at which not less than five Directors shall be present, shall be competent to use and exercise all and any of the powers hereby vested in the Directors of the said Company: Provided always, that no one Director, though he may be a Proprietor of many shares, shall have more than one vote at any Meeting of the Directors; and the President or the Vice-President when acting as Chairman, or any temporary Chairman, who in case of the absence of the President and Vice-President, may be chosen by the Directors present, shall, when presiding at a meeting of the Directors in case of a division of equal numbers, have the casting vote and no other; And provided also, that the Directors shall from time to time be subject to the examination and control of the said Annual and Special Meetings of the said Members as aforesaid, and shall pay due obedience to all By-laws of the Company, and to such orders and directions, in and about the premises, as they shall from time to time receive from

Votes of Directors.

Casting vote only of Chairman.

Proviso: Directors subject to the control of meetings.

from the said Members at such Annual or Special Meetings; such orders and directions not being contrary to any express directions or provisions in this Act contained: And provided also, that the Act of any majority of a quorum of the Directors present at any meeting regularly held shall be deemed the act of the Directors. **Proviso: Acts of a majority to be valid.**

28. No person concerned or interested in any contract or contracts under the said Company, shall be capable of being chosen a Director, or of holding the office of Director. **No contractor, &c., to be a Director.**

29. Every such Annual Meeting shall have power to appoint not exceeding three Auditors to audit all accounts of money laid out and disbursed on account of the said undertaking, by the Directors and Managers and other officer and officers to be by the said Directors appointed, or by any other person or persons whatsoever, employed by or concerned for or under them, in and about the said undertaking; and to that end the said Auditors shall have power to adjourn themselves over from time to time and from place to place as shall be thought convenient by them: and the said Directors chosen under the authority of this Act shall have power from time to time to make such call or calls of money from the Proprietors of the said Canal and other works, to defray the expense of, or to carry on the same, as they from time to time shall find wanting and necessary for those purposes: Provided however, that no call do exceed the sum of twenty dollars for every share of one hundred dollars; and provided also, that no calls be made but at the distance of at least three calendar months from each other: And the said Directors shall have full power and authority to direct and manage all and every the affairs of the said Company, as well in contracting for and purchasing lands, rights and materials for the use of the said Company, as in employing, ordering and directing the work and workmen, and in placing and removing managers, officers, clerks, servants and agents, and in making all contracts and bargains touching the said undertaking; and to affix, or authorize the Secretary or his Deputy to affix, the Common Seal of the Company to any act, deed, by-law, notice or other document whatsoever; and any such act, deed, by-law, notice or other document bearing the Common Seal of the Company, and signed by the President, Vice-President, or any Director, or by any Officer by order of the Directors, shall be deemed the act of the Directors and of the Company, nor shall the authority of the signer of any document purporting to be so signed and sealed, to sign the name and affix the said Seal thereto, be liable to be called in question by any party except the Company; and the Directors shall have such other and further powers as, being vested in the Company by this Act, shall be conferred upon the said Directors by the By-laws of the Company, except such as are hereby expressly directed to be exercised by the Members at Annual or Special Meetings.

Three Auditors to be appointed yearly

To audit all accounts.

Power of the Directors to make calls.

Proviso: calls, how to be made.

Other powers of the Directors.

Deed of the Company.

Further powers may be conferred by By-law.

30. The owner or owners of one or more shares in the said undertaking, shall pay his or her or their shares and proportion of the **Shareholders bound to pay calls.**

the money to be called for as aforesaid, to such Bankers and at such time and place as the said Directors shall appoint and direct, of which notice shall be given by at least four insertions thereof in the course of three months, in two newspapers as aforesaid, or in such other manner as the members of the Company shall by any By-law direct or appoint; and if any person or persons neglect or refuse to pay his, her or their rateable or proportional part or share of the said money, to be called for as aforesaid, at the time and place so appointed, he, she or they neglecting or refusing shall forfeit a sum not exceeding the rate of twenty dollars for every four hundred dollars of his, her or their respective share or shares in the said undertaking: and in case such person or persons neglect to pay his, her or their rateable calls as aforesaid, for the space of six calendar months after the time appointed for the payment thereof as aforesaid, then he, she or they shall forfeit his, her and their respective share and shares in the said undertaking, and all the profit and benefit thereof and all money paid thereon; all which forfeitures shall go to the rest of the Proprietors of the said undertaking, their successors and assigns, for the benefit of the said proprietors in proportion to their respective interests; and in every case such calls shall be payable with interest from the time the same shall be so appointed to be paid until the payment thereof; Provided always, that in case any person or persons neglect or refuse to pay any such call or calls at the time and in the manner required for that purpose, the said Company may sue for and recover the same with interest and costs in any Court of Law having competent jurisdiction; and in any such action it shall be sufficient to allege and to prove by any one witness, whether in the employ of the Company or not, that the defendant is the proprietor of a share (or of any number of shares, stating such number) in the stock of the said Company; that certain sums of money were duly called for upon such share or shares by the said Company, under the authority of and in the manner provided by this Act, and were due and payable at a certain time or times, whereby an action hath accrued to the said Company, to recover such sum or sums with interest and costs; and the production of the newspapers containing such calls shall be evidence that the same were made as therein stated; and neither in such action, nor in any other action, suit or legal proceeding by the Company, shall the election of the Directors, or the authority of them, or of the Attorney or Solicitor acting in the name of the Company, be called in question except by the Company, nor shall it in any such case be necessary to name the Directors or any of them, or to mention any other special matter whatever, and the defendant shall not plead the general issue, but may by a plea in denial traverse any particular matters of fact alleged in the declaration, or specially plead some particular matters of fact in confession and avoidance.

Penalty for neglect.

Forfeiture for not paying calls.

Proviso: Amount of calls may be sued for.

What shall be alleged and proved in such suit.

31. No advantage shall be taken of the forfeiture of any share or shares of the said undertaking, unless the same shall be declared to be forfeited at some Annual or Special Meeting of the said Company assembled after such forfeiture shall be incurred; and

Forfeitures to be declared at some general meeting.

and every such forfeiture shall be an indemnification to and for every proprietor so forfeiting, against all action and actions, suits or prosecutions whatever, to be commenced or prosecuted for any breach of contract or other agreement between such proprietor and the other proprietors with regard to carrying on the said Canal and works.

32. The said Company shall always have power and authority at any General Meeting assembled as aforesaid, to remove any person or persons chosen upon such Board of Directors as aforesaid, and to elect others to be Directors in the room of those who shall die, resign or be removed, and to revoke, alter, amend or change any of the By-laws or Orders prescribed with regard to their proceedings amongst themselves (the method of calling General Meetings, and the time and place of assembling, and manner of voting and of appointing Directors, only excepted,) and shall have power to make such new Rules, By-laws and Orders, for the good government of the said Company and their servants, agents and workmen, for the good and orderly making, maintaining and using the said Canal and all other works connected therewith, or belonging thereto, or hereby authorized, and for the well governing of all persons and vessels whatsoever travelling upon or using the said Canal and other works, or transporting any goods, wares, merchandize or other commodities thereon; and by such By-laws to impose and inflict such fines or forfeitures upon the persons guilty of a breach of such By-laws, or Orders, as to such General Meeting shall seem meet, not exceeding the sum of forty dollars, for every offence; such fines or forfeitures to be levied and recovered by such ways and means as are hereinafter mentioned; which said By-laws and Orders being put into writing under the Common Seal of the said Company, shall be kept in the Office of the Company, and a printed or written copy of so much of them as may relate to or affect any party other than members or servants of the Company, shall be affixed openly in the Office of the said Company in all and every of the places where Tolls are to be gathered, and in like manner as often as any change or alteration shall be made to the same; and the said By-laws and Orders so made and published as aforesaid, shall be binding upon and observed by all parties, and shall be sufficient in any Court of Law or Equity to justify all persons who shall act under the same, and any copy of the said By-laws or any of them purporting to be certified as correct by the President or some person authorized by the Directors to give such certificate, and to bear the Common Seal of the Company, shall be deemed authentic, and shall be received as evidence of such By-laws in any Court without further proof; Provided always, that no By-law of the said Company, fixing or altering the rate of Tolls on the said Canal, or affecting others than the members or officers of the said Company, shall have force or effect until it shall have been confirmed by the Governor in Council: Provided, also, that no tolls, rates, or dues shall be levied on said canal otherwise than under such a By-law.

Company may remove any Director, &c.

May make or amend By-laws, &c.

Penalties under By-laws limited.

By-laws to be in writing, and published, and shall then be binding.

Certified copies to be evidence.

Proviso: Certain By-laws to be subject to approval of the Governor in Council.

Proviso.

33.

Proprietors of the said canal may dispose of their shares, and how.

33. The several proprietors of the said Canal or undertaking may sell or dispose of his, her or their share or shares therein, subject to the rules and conditions herein mentioned; and every purchaser shall have a duplicate of the deed of bargain and sale and conveyance made unto him or her, and one part of such deed, duly executed by seller and purchaser, shall be delivered to the said Directors or their Secretary for the time being, to be filed and kept for the use of the said Company, and an entry thereof shall be made in a book or books to be kept by the said Secretary for that purpose, for which no more than twenty five cents shall be paid, and the said Secretary is hereby required to make such entry accordingly; and until such duplicate of such deed shall be so delivered to the said Directors or their Secretary, and filed and entered as above directed, such purchaser or purchasers shall have no part or share of the profits of the said undertaking, nor any interest for the said share or shares, paid unto him, her or them, nor any vote as a proprietor or proprietors.

Transfer to be notified to the Company.

Form of the transfer of Shares.

34. The sale of the said shares shall be in the form following, varying the names and descriptions of the contracting parties as the case may require:

The form.

" I, A, B., in consideration of the sum of paid to me by
" C, D., of do hereby bargain, sell and transfer to the said
" C. D., share (*or* shares) of the stock of the
" *Caughnawaga Ship Canal Company,* to hold to him, the
" said C. D., his heirs, executors, curators, administrators and as-
" signs, subject to the same rules and orders, and on the same con-
" ditions that I held the same immediately before the execution
" hereof. And I, the said C. D., do hereby agree to accept of the said
" share (*or* shares) subject to the same rules, orders and conditions.
" Witness our hands and seals, the day of , in the year "

Proviso.

Provided always, that no such transfer of any share shall be valid until enregistered in a transfer book to be kept for that purpose, nor until all calls or instalments then due thereon shall have been paid up.

Directors may appoint a Treasurer and Clerks, &c., and take security.

List of Shareholders, &c.

35. The said Directors may and they are hereby authorized to nominate and appoint the Bankers, Secretary, Treasurer, Solicitor and Servants of the said Company, taking such security for the due execution of their respective offices as the said Directors shall think proper: and in proper books shall be kept a true and perfect account of the names and places of abode of the several members of the said Company, and of the several persons who shall from time to time become owners and proprietors of, or entitled to any share or shares therein, and of all the acts, proceedings and transactions of the said Company and of the Directors for the time being, by virtue of and under the authority of this Act.

Company may establish tolls on the canal.

36. The said Company may from time to time, and at all times hereafter, ask, demand, take and recover, to and for their own proper use and behoof, for all passengers, goods, wares, merchandize and

and commodities, of whatever description, transported upon the said Canal, or vessels using the same, such Tolls as they may deem expedient; which said Tolls shall be from time to time fixed and regulated by By-laws of the Company, or by the Directors if thereunto authorized by the said By-laws, and shall be paid to such person or persons, and at such places near to the said Canal, in such manner and under such regulations as the said Company or the said Directors shall direct and appoint; and in case of denial or neglect of payment of any such rates or dues, or any part thereof, on demand, to the person or persons appointed to receive the same as aforesaid, the said Company may sue for and recover the same in any Court having competent jurisdiction, or the person or persons to whom the said rates or dues ought to be paid, may and he is, and they are hereby empowered to seize and detain such vessels, goods, wares, merchandize or other commodities, for or in respect whereof such rates or dues ought to be paid and to detain the same until payment thereof: and in the meantime the said vessels, goods, wares, merchandize or other commodities, shall be at the risk of the owner or owners thereof; and the said Company or the said Directors shall have full power, from time to time, at any General Meeting, by By-law to lower or reduce all or any of the said Tolls, and again to raise the same as often as it shall be deemed necessary for the interests of the said undertaking; Provided always, that the same Tolls shall be payable at the same time and under the same circumstances, upon all vessels and goods, and upon all persons, so that no undue advantage, privilege or monopoly may be afforded to any person or class of persons by any By-law relating to the said Tolls.

How recovered if not duly paid.

Seizure of goods, &c.

Tolls may be lowered and again raised.

Proviso against monopoly.

37. And in order to ascertain the amount of the clear profits of the said undertaking—The said Company, or the Directors for managing the affairs of the said Company, shall and they are hereby required to cause a true, exact and particular account to be kept and semi-annually made up and balanced to the first day of January and the first day of July in each year, of the money collected and received by the said Company, or by the Directors or Managers and Servants of the said Company, or otherwise for the use of said Company, by virtue of this Act, and of the charges and expenses attending the erecting, making, supporting, maintaining and carrying on their works, and all other receipts and expenditure of the said Company or the said Directors; and at the General Meetings of the Members of the said Company, to be from time to time holden as aforesaid, a dividend shall be made out of the clear profits of the said undertaking, unless such meetings shall declare otherwise; and such dividend shall be at and after the rate of so much per share upon the several shares held by the Members of the said Company, as such meeting or meetings shall think fit to appoint or determine; Provided always, that no dividend shall be made whereby the capital of the said Company shall be in any degree reduced or impaired, nor shall any dividend be paid in respect of any share, after a day appointed for the payment of

Half-yearly accounts to be made up.

Dividends to be made from time to time.

Proviso. Capital not to be impaired.

of any call for money in respect thereof, until such call shall have been paid.

Fractions in distance or weight, how calculated.

38. Provided always, that in all cases where there shall be a fraction of a mile in the distance which vessels, goods, wares, merchandize, or other commodities or passengers shall be conveyed or transported on the said Canal, such fraction shall, in ascertaining the said rates, be deemed and considered as a whole mile, and that in all cases where there shall be the fraction of a ton in the weight of any such goods, wares, merchandize, or other commodities, a proportion of the said rates shall be demanded and taken by the said Company, to the number of quarters of a ton contained therein; and in all cases where there shall be a fraction of a quarter of a ton, such fraction shall be deemed and considered as a whole quarter of a ton.

Tables of tolls to be publicly affixed.

39. The said Company shall from time to time print and stick up, or cause to be printed and stuck up in their office, and in all and every of the places where the Tolls are to be collected, in some conspicuous place there, a printed board or paper containing all the Tolls payable under this Act.

Proviso as to services to the Government.

40. Any enactments which the Parliament of Canada may hereafter deem it expedient to make, or any Order in Council which the Governor General may hereafter deem it expedient to pass, with regard to the exclusive use of the Canal by the Government at any time, or the carriage of Her Majesty's Mail or Her Majesty's Forces and other persons and articles, or the rates to be paid for carrying the same, or in any way respecting the use of any Electric Telegraph, or other service to be rendered by the Company to the Government shall not be deemed an infringement of the privileges intended to be conferred by this Act.

Company to make fences, &c., if required.

41. The said Company shall within six calendar months after any lands shall be taken for the use of the said Canal or undertaking, divide and separate, and keep constantly divided and separated, the lands so taken from the lands or grounds adjoining thereto, with a sufficient post and rail, hedge, ditch, bank or other fence sufficient to keep off hogs, sheep and cattle, to be set and made on the lands or grounds which shall be purchased by, conveyed to, or vested in the said Company as aforesaid, and shall at their own costs and charges, from time to time, maintain, support and keep in sufficient repair the said posts, rails, hedges, ditches, trenches, banks and other fences so set up and made as aforesaid.

Canal to be measured and miles marked.

42. So soon as conveniently may be after the said Canal shall be completed, the said Company shall cause the same to be measured, and stones or posts, with proper inscriptions on the sides thereof denoting the distance, to be erected and maintained at the distance of every mile from each other.

Treasurer, Receiver and Collector to give security.

43. The said Company shall take sufficient security, by one or more bond or bonds, in a sufficient penalty or penalties, from their Managers

Managers and Collectors for the time being of the money to be raised by virtue of this Act, for the faithful execution by such Managers and Collectors of his and their office and offices respectively.

44. All fines and forfeitures imposed by this Act, or which shall be lawfully imposed by any By-laws to be made in pursuance thereof, (of which By-laws, when produced, all Justices are hereby required to take notice,) the levying and recovering of which fines and forfeitures are not particularly herein directed, shall, upon proof of the offence before any one or more Justice or Justices of the Peace for the District, either by the confession of the party or parties, or by the oath or affirmation of any one credible witness (which oath or affirmation such Justice or Justices are hereby empowered and required to administer without fee or reward,) be levied with costs by distress and sale of the offender's goods and chattels, by Warrant under the hand and seal or hands and seals of such Justice or Justices; and all such fines, forfeitures or penalties by this Act imposed or authorized to be imposed, the application whereof is not hereinbefore particularly directed, shall be paid into the hands of the Company, and shall be applied and disposed of for the use of the said Canal or undertaking, and the overplus of the money raised by such distress and sale, after deducting the penalty and the expenses of the levying and recovering thereof, shall be rendered to the owner of the goods so distrained and sold; and for want of sufficient goods and chattels whereof to levy the said penalty and expenses, the offender shall be sent to the Common Gaol for the District wherein he is convicted, there to remain without bail or mainprize for such term not exceeding one month as such Justice or Justices shall think proper, unless such penalty and forfeiture, and all expenses attending the same, shall be sooner paid and satisfied.

Forfeitures under this Act, how recovered and applied, when not otherwise provided for.

Levy by distress and sale of goods and chattels.

Imprisonment for want of sufficient chattels.

45. Any person or persons who thinks himself, herself or themselves aggrieved by any thing done by any Justice or Justices of the Peace in pursuance of this Act, may within four calendar months after the doing thereof, appeal from the conviction or order in the manner provided by the "Act respecting the duties of Justices of the Peace out of Sessions in relation to summary convictions and orders."

Appeal by persons aggrieved.

46. If any action or suit be brought or commenced against any person or persons for any thing done or to be done in pursuance of this Act, or in the execution of the powers and authorities or of the orders and directions hereinbefore given or granted, such action or suit shall be brought or commenced within six calendar months next after the fact committed, or in case there shall be a continuation of damage, then within six calendar months next after the doing or committing such damage shall cease, and not afterwards.

Limitation of actions for things done under this Act.

47. Any contravention of this Act by the said Company or by any other party, for which no punishment or penalty is herein provided,

As to contravention of this Act not otherwise punishable.

provided, shall be a misdemeanor, and punishable accordingly; but such punishment shall not exempt the said Company (if they be the offending party) from the forfeiture of this Act and the privileges hereby conferred on them, if by the provisions thereof, or by law, the same be forfeited by such contravention.

Her Majesty may assume the works on certain conditions.

48. Her Majesty, Her Heirs and Successors may, at any time, assume the possession and property of the said Canal and works and of all the rights, privileges and advantages of the Company (all which shall after such assumption be vested in Her Majesty Her Heirs and Successors) on giving to the said Company one week's notice thereof, and on paying to the said Company the value of the same to be fixed by three arbitrators, or the majority of them, one to be chosen by the Government, another by the Company, and a third arbitrator by the said two arbitrators, the arbitrators having full power to consider in the valuation, the expenditure of the Company, the business of the Canal, and its past, present and prospective business, with interest from the time of the investment thereof at eight per cent., deducting, however, all dividends declared and paid to the shareholders.

Map and book of reference to be deposited, and the canal completed within certain periods, or this Act to be void.

49. The said Company, to entitle themselves to the benefits and advantages to them granted by this Act, shall and they are hereby required to make and deposit the map or plan and book of reference mentioned in this Act within two years after the passing thereof, and to make and complete the said Canal from the River St. Lawrence to Lake Champlain or the River Richelieu in manner aforesaid, within five years from the passing of this Act; and if the said map or plan and book of reference be not so made and deposited within the said two years, or if the whole of the Stock of the said Company be not subscribed and at least ten per centum thereon paid up and either expended for the purposes of this Act, or deposited in some chartered Bank or Banks in Canada within two years from the passing of this Act, or if the said Canal be not so made and completed within the period of five years, so as to be used by the public as aforesaid, then and in either case this Act and every matter and thing therein contained shall cease and be utterly null and void.

Company annually to submit detailed accounts to the Legislature.

50. The said Company shall annually submit to the Parliament of Canada, within the first fifteen days after the opening of each Session thereof, after the opening of the said Canal or any part thereof to the public, a detailed and particular account, attested upon oath, of the moneys by them received and expended under and by virtue of this Act, with a classified statement of the amount of tonnage and of the vessels, passengers and freight that have been conveyed along the said Canal; and no further provisions which Parliament may hereafter make with regard to the form or details of such account, or the mode of attesting or rendering the same, shall be deemed an infringement of the privileges hereby granted to the Company.

Further provision may be made.

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51. Nothing herein contained shall affect or be construed to affect, in any manner or way whatsoever, the rights of Her Majesty, Her Heirs and Successors, or of any person or persons, or of any bodies politic, corporate or collegiate, such only excepted as are herein mentioned. Saving of Her Majesty's rights, &c.

52. The said Company shall not proceed to break ground or commence the construction of the said Canal until shares to the amount of eight hundred thousand dollars shall have been taken in the Capital Stock of the said Company, and ten per cent. thereon shall have been paid into the hands of the Treasurer or Banker of the said Company, nor until the said election of Directors hereinbefore in that behalf provided shall have been held. What must be done before commencing operations.

53. Nothing herein contained shall be construed to except the Canal by this Act authorized to be made, from the provisions of any general Act, which may be passed during the present or any future Session of Parliament, and no further provision which Parliament may make for enforcing any of the provisions of this Act, or for protecting the public or the rights of private parties shall be deemed an infringement of the rights of the said Company. Company not exempted from any general canal law.

CAP. XLVIII.

An Act to Incorporate the Ontario and Erie Ship Canal Company.

[*Assented to* 12*th May*, 1870.]

WHEREAS, the Municipalities of the Town and Township of Niagara, the respective Boards of Trade of the Cities of Chicago, Oswego, Toledo, the Chamber of Commerce of the City of Milwaukie, and others interested in obtaining greater inland navigation facilities than at present exist, have petitioned for the incorporation of a Company to construct a Ship Canal in accordance with this Act; therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

1. The Hon. Walter Dickson, Henry Paffard, S. S. J. Brown, William Kirby, Angus Smith, John Brown, J. M. Richards, F. J. King, J. S. McMurray, S. H. McRae, Robert F. Sage, Donald Robertson, Cheney Ames, A. G. P. Dodge, D. B. Chambers, Hon. J. B. Robinson, Alexander Kirkland, Duncan Milloy, Edward O'Neill, S. H. Follett, Angus Morrison, Thomas Walton, Daniel C. Gunn, James F. Macklem, John C. Kirkpatrick, Henry Rolls, James Lewson, and George B. Gregg or either of them, together with all such persons (subjects of Her Majesty or others) as shall become stockholders of the Company hereinafter mentioned, shall be, Certain persons incorporated.

Corporate name and general powers.

be, and are hereby, ordained, constituted, and declared to be a body corporate and politic in fact, and by the name of the "Ontario and Erie Ship Canal Company," and by that name they and their successors shall and may have continued succession; and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered, unto, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and they and their successors may, and shall, have a common seal, and may change and alter the same at their will and pleasure; and also, they and their successors, by the same name of the Ontario and Erie Ship Canal Company, shall be in law capable of purchasing and holding to them and their successors, any estate, real, personal, or mixed, to and for the use of the said Company, and of letting, selling, conveying, or otherwise departing therewith, for the benefit, and on the account of the said Company, from time to time, as they shall deem expedient or necessary.

Holding real and personal property.

Power to survey for and construct a ship canal from the Niagara River to Lake Erie, and the necessary works.

2. The Directors of the said Company shall have full power and authority to survey and explore the country lying between the waters of the Niagara River and Lake Erie, and to designate and establish, and for the said Company to take, appropriate, have, and hold, to and for the use of them and their successors, the line and boundaries of a Ship Canal, to commence on the Niagara River, at or near Fort George in the town of Niagara, and thence to a point at or near the Village of Thorold, and from thence to the waters of Lake Erie, at or near Port Colborne, or to the waters of the Upper Niagara River, at or near the village of Chippewa; and to build and erect the same, with the necessary locks, dams, tow-paths and branches, and with feeders to supply water from any point on Lake Erie, together with basins, and tramways, and also, to select such sites for such warehouses and other erections as may be considered expedient by the said Directors, and to purchase and dispose of the same to and for the use and profit of the said Company; Provided that nothing hereinbefore contained shall be construed to extend to compel the owners of any mill seat which shall be in existence before the construction of the said Canal, or any of its branches or feeders, to sell or convey the same to the said Company, unless the same shall be in the line of the said Canal, or that the possession of the same shall be necessary to the construction of the said Canal or any of its branches and feeders; Provided also, that the owner or owners of any mill seat or mill seats, using any additional supply of water brought thereto by the said canal, or its branches or feeders, shall pay a reasonable compensation therefor to the said Company, to be determined as hereinafter provided for determining any damage done to property by the said Company.

Proviso as to mill sites on the line.

Further proviso as to the same.

Plan to be submitted to Governor in Council before commencing work.

3. Before the said Company shall break ground, or commence the construction of the said Canal, the plan, location, dimensions, and all necessary particulars of the said Canal, and the locks, bridges, and other works therewith connected, and the points at which

which it is to leave the River Niagara, shall have been submitted to, and received the sanction of, the Governor in Council; and the said Canal, and locks, and works thereon, shall not be of a less size, depth, or capacity, than the Cornwall Canal on the River St. Lawrence;—and all maps, plans, surveys, levels, reports, and documents, relating to a survey of a Branch Canal to connect the Welland Canal with the mouth of the Niagara River, now in possession of the Government, or copies thereof, shall be open to the said Company, to aid it in the prosecution of its works, and the preparation of the map or plan and book of reference hereinafter mentioned.

Size of canal.

Company to have the use of certain plans, &c.

4. It shall and may be lawful for the said Company, and they are hereby authorized and empowered, from and after the passing of this Act, to supply the said Canal, whilst making and when made, with water from all such brooks, springs, streams, water-courses, lakes, hollows or repositories of water, as shall be found in making the said Canal, or within the distance of two thousand yards of the same or any part thereof, or any reservoir or reservoirs to be made for the supplying of the said Canal with water; and the said Company are hereby authorized and empowered to make all such reservoirs, and such and so many feeders, branches, aqueducts, tunnels and channels in connection with and for the use of the said Canal, as to them shall seem necessary and proper; and for the purposes aforesaid, the said Company, their agents, servants, and workmen, are hereby authorized and empowered to enter upon and into the lands and grounds of, or belonging to the Queen's Majesty, Her Heirs or Successors, or any other person or persons, bodies corporate or politic (except as hereinbefore mentioned), and to survey and take levels of the same or any part thereof, and to set out and ascertain such parts as they shall think necessary and proper for the making of the said Canal and its appurtenances, and for the completion of the said water connection and navigation, according to the true intent and meaning of this Act, and all such other matters and conveniences as they shall think proper and necessary for making, preserving, improving, completing, and using the said intended navigation; and also to bore, dig, trench, cut, remove, take, carry away and lay soil, clay, stone, rubbish, trees, roots and stumps of trees, beds of gravel or sand, or any other matter or thing which may be dug or got in the making of the said Canal, or in deepening or improving the navigation of any river or rivers, lake or lakes, in connection with, and forming part of the intended navigation, or out of any land of any person or persons adjoining or contiguous thereto, and which may be proper or convenient for carrying on or repairing of the said Canal, or other the said works, or which may hinder or obstruct the making, completing, and using the same, and the same to lay in or upon the boundaries of the said Canal or rivers and lakes forming portions of the said navigation, or in and upon the land of any other person or persons adjoining thereto; and also to make, build, erect and set up in and upon the said Canal, and at the points of entrance to the same, or any

Company to have power to take water, &c., for the use of the canal.

To get and place materials.

To erect wharves, piers, &c.

any part thereof, or of the said intended navigation, or upon the land adjoining or near the same, such and so many wharves, quays, piers, landing places, bridges, tunnels, aqueducts, sluices, rivers, pens for water, tanks, reservoirs, drains, bridges, and other ways, roads, and works, as the said Company shall think requisite and convenient for the purpose of the said navigation (and also, from time to time, to alter, enlarge, amend, and repair the said works, or any of them) for conveying all manner of materials necessary for making, erecting, altering, or repairing, widening, or enlarging the said works, or any part thereof, and also, to place, lay, work, and manufacture the said materials, and erect such workshops, forges, and other erections as they may deem necessary, upon the lands near the said works; and to make, maintain and alter, any places, or passages, over, under or through the said Canal, or any of its branches, or connections, or other part of the said intended navigation; and also to make, purchase, set up, and build and construct such tug or tow-boats, barges, vessels, or rafts, for the use of the said navigation, as they shall see fit; also to erect, and keep in repair, any piers, arches, or other works, in, upon, and across, any rivers, brooks, or lakes, for making, using, maintaining, and repairing the said Canal, and other the rivers and navigable waters, forming part of the said intended navigation, and the towing paths and other conveniences connected therewith; And also to construct, make, and do all other works, matters, and things whatsoever, which they shall think necessary and convenient for the making, effecting, preserving, improving, completing, and using the said Canal, and the said intended navigation, in pursuance of, and within the true meaning of this Act, they, the said Company, doing as little damage as may be in the execution of the powers hereby granted, and making satisfaction, in manner hereinafter mentioned, for all damages to be sustained by the owners or occupiers of such lands, hereditaments, and tenements.

To enlarge or repair the works.

Passages over or under the canal.

Tug-boats and other vessels.

Piers, &c.

General powers for making, &c.

Doing no unnecessary damages, and making compensation.

Power to hold, but not to alienate, public beach, or beach road, not interfering with navigation.

5. The said Company may take, use, occupy, and hold, but not alienate, so much of the public beach or beach road, or of the land covered with the waters of the rivers or lakes which the said Canal may cross, start from, or terminate at, as may be required for the wharves and other works of the said Canal, for making easy entrances thereto, and other works which they are hereby authorized to construct, doing no damage to, nor causing any obstruction in the navigation of the said rivers or lake, and conforming in all respects to the plan and mode of construction sanctioned, as aforesaid, by the Governor in Council, except in so far only as he may, at any time, authorize a deviation from such plan and mode of construction; And the said Company, with the sanction of the Governor in Council, and upon such terms and conditions as may be agreed upon between the said Company and the Governor General in Council, may cause their Canal to enter into the Welland Canal, instead of taking it directly to Lake Erie, or to the Waters of the Upper Niagara River, and may

Power to connect with the Welland Canal by consent of Governor in Council.

may widen, deepen, enlarge, alter, and improve so much of the Welland Canal and its Locks, as may be necessary, in order to make it from the point where the Canal shall intersect it, to Port Colborne, not less in size, depth, and capacity, than the Cornwall Canal aforesaid.

Power to hold and use Welland Canal, with such consent.

6. The said Company may take, hold, and use, any portion of the Welland Canal, and the works therewith connected, and all the tolls, receipts, and revenues thereof, upon terms to be settled and agreed upon between the Company and the Governor in Council.

LANDS AND THEIR VALUATION.

After any lands have so been set out.

7. After any lands shall be set out and ascertained in manner aforesaid, for making and completing the said Canal and other works, and other the purposes and conveniences hereinbefore mentioned:—

Certain parties may convey to Company.

1. All Corporations and persons whatever, tenants in tail or for life, guardians, executors, administrators, and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, *femes-covert*, or other persons, seized, possessed of, or interested in any lands, may contract, sell or convey unto the Company all or any part thereof.

Limitation in certain cases.

2. But the powers, by the next preceding sub-section conferred upon Ecclesiastical and other Corporations, Trustees of Land for Church and School purposes, or either, Executors appointed by Wills in which they are not invested with any power over the real estate of the Testator, Administrators of persons dying intestate, but at their death seised of real estate, shall only extend and be exercised with respect to any of such lands actually required for the use and occupation of the Company.

Contract or agreement for sale.

3. Any contract, agreement, sale, conveyance and assurance so made, under the two preceding sub-sections, shall be valid and effectual in law to all intents and purposes whatsoever, and shall vest in the Company the fee simple in the lands in such deed described, freed and discharged from all trusts, restrictions and limitations whatsoever; and the Corporation or person so conveying is hereby indemnified for what it or he respectively does by virtue of or in pursuance of this Act;

Disposition of purchase money.

4. The Company shall not be responsible for the disposition of any purchase money for lands taken by them for their purposes, if paid to the owner of the land, or into Court for his benefit as hereinafter provided;

Contract before deposit of map.

5. Any contract or agreement made, as it may be, by any party authorized

authorized by this Act to convey lands and made before the deposit of the map or plan and book of reference, and before the setting out and ascertaining of the lands required for the Canal or works of the Company, shall be binding at the price agreed upon for the same lands, if they are afterwards so set out and ascertained within one year from the date of the contract or agreement, and although such land may, in the meantime, have become the property of a third party; and possession of the land may be taken and the agreement and price may be dealt with as if such price had been fixed by an award of Arbitrators as hereinafter provided, and the agreement shall be in the place of an award.

Fixed rent to be paid in certain cases.

6. All Corporations or parties who cannot in common course of law sell or alienate any lands so set out and ascertained, shall agree upon a fixed annual rent as an equivalent, and not upon a principal sum, to be paid for the lands; and if the amount of the rent is not fixed by voluntary agreement or compromise, it shall be fixed and all proceedings shall be regulated in the manner herein prescribed; and for the payment of the said annual rent, and every other annual rent agreed upon or ascertained, and to be paid for the purchase of any lands, or of any part of the purchase money of any lands which the vendor agrees to leave unpaid, the Canal and works and the tolls thereon shall be liable and chargeable in preference to all other claims and demands thereon whatsoever, the deed creating such charge and liability being duly registered in the Registry Office of the proper County in which the land is situate.

As to joint-tenants or tenants in common.

7. Whenever there is more than one party proprietor of any land as joint tenant or tenants in common, any contract or agreement made in good faith with any party or parties proprietor or being together proprietors of one-third or more of such land, as to the amount of compensation for the same or for any damages thereto, shall be binding as between the remaining proprietor or proprietors as joint tenant or tenants in common, and the proprietor or proprietors who have so agreed may deliver possession of such land, or empower the entry upon the same, as the case may be;

Application to owners after deposit of map.

8. After the deposit of the map or plan and book of reference, and after notice thereof given for one month in at least one newspaper published in the Counties of Lincoln and Welland, the Company may apply to the owners of lands or to parties empowered to convey lands, or interested in lands which may suffer damage from the taking of materials or the exercise of any of the powers granted for the Canal and works; and in the case of Indian lands application shall be made to the Secretary of State for the Provinces, and thereupon, agreements and contracts may be made with such parties touching the said lands or the compensation to be paid for the same, or for the damages, or as to the mode in which such compensation shall be ascertained, as may seem expedient to both parties, and in case of disagreement between

Indian lands.

between them, or any of them, then all questions which arise between them shall be settled as follows, that is to say:

9. The deposit of a map or plan and book of reference, and the notice of such deposit, shall be deemed a general notice to all the parties of the lands which will be required for the Canal and works. Deposit to be general notice

10. The notice served upon the party shall contain: Notice to party what to contain.

a. A description of the lands to be taken, or of the powers intended to be exercised with regard to any lands, describing them;

b. A declaration of readiness to pay some certain sum or rent, as the case may be, as compensation for such lands or for such damages; and,

c. The name of a person to be appointed as the Arbitrator of the Company, if their offer be not accepted; And such notice shall be accompanied by the certificate of a sworn surveyor for the Province of Ontario, disinterested in the matter, and not being the Arbitrator named in the notice:

That the land, if the notice relate to the taking of land shewn on the said map or plan, is required for the Canal, or is within the limits of deviation hereby allowed;

That he knows the land, or the amount of damage likely to arise from the exercise of the powers; and,

That the sum so offered is, in his opinion, a fair compensation for the land, and for the damages as aforesaid;

11. If the opposite party is absent from the County in which the lands lie, or is unknown, then, upon application to the Judge of the County Court of the said County, accompanied by such certificate as aforesaid, and by an affidavit of some officer of the Company that the opposite party is so absent, or that, after diligent enquiry, the party on whom the notice ought to be served cannot be ascertained, the Judge shall order a notice as aforesaid (but without a certificate) to be inserted three times in the course of one month in some newspaper published in the said Counties of Welland and Lincoln, to be named by the Judge, or both, in the discretion of the Judge; If the owner be absent or unknown.

12. If within ten days after the service of such notice, or within one month after the first publication thereof, the opposite party does not notify to the Company his acceptance of the sum offered by them, or notify to them the name of a person whom he appoints as Arbitrator, then the Judge shall, on the application of the Company, appoint a sworn surveyor for the Province of Ontario, to be sole Arbitrator for determining the compensation to be paid as aforesaid; Party not accepting offer, and not appointing an Arbitrator.

If he appoints one. Third Arbitrator.

13. If the opposite party, within the time aforesaid, notifies to the Company the name of his Arbitrator, then the two Arbitrators shall jointly appoint a third, or if they cannot agree upon a third (of which fact the allegation of either of them shall be evidence) then the Minister of Public Works shall, on the application of the party or of the Company (previous notice of at least two clear days having been given to the other party), appoint one of the Official Arbitrators to be a third Arbitrator;

Duties of Arbitrators.

14. The Arbitrators, or two of them, or the sole Arbitrator, being sworn before some Justice of the Peace for the County in which the lands lie, faithfully and impartially to perform the duties of their office, shall proceed to ascertain the said compensation in such way as they or he, or a majority of them, deem best, and the award of such Arbitrators, or any two of them, or of the sole Arbitrator, shall be final and conclusive; but no such award shall be made or any official act be done by such majority, except at a meeting held at a time and place of which the other Arbitrator has had at least two clear days' notice, or to which some meeting at which the third Arbitrator was present, had been adjourned; and no notice to either of the parties shall be necessary, but each party shall be held sufficiently notified through the Arbitrator appointed by him, or whose appointment he required;

Award by majority.

Increased value by canal to be considered.

15. The Arbitrators, in deciding on such value or compensation, are authorized and required to take into consideration the increased value that would be given to any lands or grounds through or over which the Canal will pass, by reason of the passage of the Canal through or over the same, or by reason of the construction of the Canal, and to set off the increased value that will attach to the said lands or grounds against the inconvenience, loss or damage that might be suffered or sustained by reason of the Company taking possession of or using the said lands or grounds as aforesaid;

Amount of award. Costs, how paid.

16. The award given by any sole Arbitrator shall never be for a less sum than that offered by the Company as aforesaid, and if in any case where three Arbitrators have been appointed, the sum awarded is not greater than that offered, the costs of the arbitration shall be borne by the opposite party, and be deducted from the compensation; but if otherwise, they shall be borne by the Company, and in either case they may, if not agreed upon, be taxed by the Judge;

Power to examine parties or witnesses on oath.

17. The Arbitrators, or a majority of them, or the sole Arbitrator, may examine on oath or solemn affirmation the parties, or such witnesses as voluntarily appear before them or him, and may administer such oath or affirmation; and any wilfully false statement made by any witness, under such oath or affirmation, shall be deemed wilful and corrupt perjury, and punishable accordingly;

Time for making the award.

18. The Judge by whom any third Arbitrator or sole Arbitrator is

is appointed, shall fix a day on or before which the award shall be made, and if the same is not made on or before such day, or some other day to which the time for making it has been prolonged, either by the consent of the parties or by order of the Judge, as it may be for reasonable cause shown on the application of the sole Arbitrator, or of one of the Arbitrators, after one clear day's notice to the others, then the sum offered by the Company as aforesaid, shall be the compensation to be paid by them;

19. If the sole Arbitrator appointed by the Judge, or the Official Arbitrator appointed by the Minister of Public Works, or any Arbitrator appointed by the parties, dies before the award has been made, or is disqualified, or refuses or fails to act within a reasonable time, then, in the case of the sole Arbitrator the Judge, upon the application of either party, and in the case of the Official Arbitrator, the Minister of Public Works, upon a like application, the Judge or Minister being satisfied by affidavit or otherwise of such death, disqualification, refusal or failure, may appoint another Arbitrator in his place, and in the case of any Arbitrator appointed by the parties, the Company or party respectively may appoint an Arbitrator in the place of his or their Arbitrator so deceased or not acting, notifying the other party or his or their Arbitrator of such appointment, but no recommencement or repetition of prior proceedings shall be required in any case; Arbitrator dying, or refusing to act.

20. Any such notice for lands as aforesaid, may be desisted from and new notice given, with regard to the same or other lands, to the same or any other party, but in any such case, the liability to the party first notified for all damages or costs by him incurred in consequence of such first notice and desistment, shall subsist; Desisting from notice, and giving a new one.

21. The Surveyor or other person offered or appointed as Valuator or as sole Arbitrator, shall not be disqualified by reason that he is professionally employed by either party, or that he has previously expressed an opinion as to the amount of compensation, or that he is related or of kin to any member of the Company, provided he is not himself personally interested in the amount of the compensation; and no cause of disqualification shall be urged against any Arbitrator appointed by the Judge after his appointment, but the objection must be made before the appointment, and its validity or invalidity shall be summarily determined by the Judge; Certain persons not disqualified as arbitrators. Time for objecting.

22. No cause of disqualification shall be urged against any Arbitrator appointed by the Company or by the opposite party after the appointment of a third Arbitrator; and the validity or invalidity of any cause of disqualification urged against any such Arbitrator, before the appointment of a third Arbitrator, shall be summarily determined by the Judge, on the application of either party, after two clear days' notice to the other, and if the cause is determined to be valid, the appointment shall be null, and the No objection allowed after a certain time.

 party

party offering the person so adjudged to be disqualified, shall be held not to have appointed an Arbitrator;

Awards not avoidable for want of form.

23. No award shall be invalidated from any want of form or other technical objection, if the requirements of this Act have been complied with, and if the award states clearly the sum awarded, and the lands or other property, right or thing for which such sum is to be the compensation; nor shall it be necessary that the party or parties to whom the sum is to be paid, be named in the award;

Possession on payment or tender of compensation

24. Upon payment or legal tender of the compensation or annual rent so awarded or agreed upon, to the party entitled to receive the same, or upon the deposit of the amount of such compensation in the manner hereinafter mentioned, the award or agreement shall vest in the Company the power forthwith to take possession of the lands, or to exercise the right, or to do the thing for which such compensation or annual rent has been awarded or agreed upon; and if any resistance or forcible opposition be made by any person to their so doing, the Judge may, on proof to his satisfaction of such award or agreement, issue his warrant to the Sheriff of the County, or to a Bailiff, as he may deem most suitable, to put the Company in possession, and to put down such resistance or opposition, which the Sheriff or Bailiff taking with him sufficient assistance, shall accordingly do;

Warrant of possession.

Warrant in certain cases of necessity before award.

25. Such warrant may also be granted by the Judge, without such award or agreement, on affidavit to his satisfaction that the immediate possession of the lands or of the power to do the thing mentioned in the notice, is necessary to carry on some part of the Canal or works with which the Company are ready forthwith to proceed; and upon the Company giving security to his satisfaction and in a sum which shall not be less than double the amount mentioned in the notice, to pay or deposit the compensation to be awarded, within one month after the making of the award, with interest from the time at which possession is given, and with such costs as may be lawfully payable by the Company;

Security in such case.

Compensation to stand in place of the land.

26. The compensation for any lands which might be taken without the consent of the proprietor, shall stand in the stead of such lands; and any claim to or incumbrance upon the said lands, or any portion thereof, shall, as against the Company, be converted into a claim to the compensation, or to a like proportion thereof, and they shall be responsible accordingly whenever they have paid such compensation, or any part thereof, to a party not entitled to receive the same, saving always their recourse against such party;

Proceedings if the Company has reason to fear incumbrances &c.

27. If the Company has reason to fear any claims or incumbrances, or if any party to whom the compensation or annual rent, or any part thereof is payable, refuses to execute the proper conveyance and guarantee, or if the party entitled to claim the same cannot be found, or is unknown to the Company, or if for any

other

other reason the Company deems it advisable, the Company may pay such compensation into the hands of the Judge of the County Court for the County in which the land is situate, with the interest thereon for six months, and may deliver to the said Judge an authentic copy of the conveyance, or of the award if there be no conveyance, and such award shall thereafter be deemed to be the title of the Company to the land therein mentioned, and proceedings shall thereupon be had for the confirmation of the title of the Company, in like manner as in other cases of confirmation of title, except that in addition to the usual contents of the notice, the Judge shall state that the title of the Company (that is, the conveyance or award,) is under this Act, and shall call upon all persons entitled to the lands, or any part thereof, or representing or being the husband of any party so entitled, to file their claims to the compensation, or any part thereof, and all such claims shall be received and adjudged upon by the Court;

Effect of judgment of confirmation of title.

28. Such judgment of confirmation shall for ever bar all claims to the land, or any part thereof (including dower not yet open) as well as any mortgage, hypothec or incumbrance upon the same; and the Court shall make such order for the distribution, payment or investment of the compensation, and for the security of the rights of all parties interested, as to right and justice, and the provisions of this Act and to law shall appertain;

Costs, how paid.

29. The costs of the proceedings, or any part thereof, shall be paid by the Company, or by any other party, as the Court may order; and if judgment of confirmation be obtained in less than six months from the payment of the compensation to the said Judge, the Court shall direct a proportionate part of the interest to be returned to the Company, and if from any error, fault or neglect of the Company, it is not obtained until after the six months have expired, the Court shall order the Company to pay the Judge the interest for such further period as may be right;

Interest.

If the compensation do not exceed $80.

30. If the amount of the said compensation do not exceed eighty dollars, the same may be paid by the Company to the party in whose possession, as proprietor, the land was at the time the Company took possession thereof, or to any person who may lawfully receive money due to such party, and proof of such payment, and the award, conveyance or agreement shall be a sufficient title to the said Company, and shall for ever discharge them from all claims of any other party to such compensation or any part thereof, saving always the recourse of such other party against the party who shall have received such compensation;

Proviso as to cases where this Act shall not have been complied with.

31. With regard to any lands which could not be taken without the consent of some party entitled under this Act to convey the same, or in any case in which the requirements of this Act shall not have been complied with, and in all cases where land shall have been taken, or damage shall have been done by the Company, without

without previously complying with the requirements of this Act, the rights of the Company and of other parties shall be governed by the ordinary rules of law;

If the lands taken belong to Indians.

32. If the Canal passes through any land belonging to or in possession of any tribe of Indians in Canada, or if any act occasioning damage to their lands be done under the authority of this Act, compensation shall be made to them therefor, in the same manner as is provided with respect to the lands or rights of other individuals; and whenever it is necessary that Arbitrators should be chosen by the parties, the Secretary of State for the Provinces is hereby authorized and required to name an Arbitrator on behalf of the Indians, and where the lands belong to the Indians, the amount awarded in any case shall be paid to the said Secretary of State for the use of such tribe or body;

Company to fence their lands and keep them divided from other lands.

33. The said Company shall, within six calendar months after any lands shall be taken for the use of the said Canal or undertaking, divide and separate, and keep constantly divided and separated, the lands so taken from the lands or grounds adjoining thereto, with a sufficient post and rail, hedge, ditch, bank or other fence sufficient to keep off hogs, sheep and cattle, to be set and made on the lands or grounds which shall be purchased by, conveyed to, or vested in the said Company as aforesaid, and shall, at their own costs and charges, from time to time, maintain, support, and keep in sufficient repair the said posts, rails, hedges, ditches, trenches, banks and other fences so set up and made as aforesaid.

Company to cause survey to be made, and a map and book of reference.

8. For the purpose of this Act, the said Company shall and may, by a sworn land surveyor for the Province of Ontario, and by an engineer by them appointed, cause to be taken and made, surveys and levels of the said lands through which the said intended Canal is to be carried, together with a map or plan of such intended Canal, and the course and direction thereof, and of the said lands through which the same is to pass, and also a book of reference of the said Canal, in which shall be set forth a description of the said several lands, and the names of the owners, occupiers, and proprietors thereof, so far as the same can be ascertained, and in which shall be contained everything that is necessary for the right understanding of such map, or plan, copies of which said map, or plan, and book of reference shall, on the completion of such survey, map, and book of reference, be deposited by the said Company in the offices of the respective Registrars for the several counties through which the said Canal, or any part thereof, shall pass, and also in the office of the Secretary of State of Canada; and all persons shall have liberty to resort to such copies so to be deposited as aforesaid, and to make extracts therefrom or copies thereof, as occasion shall require, paying to the said Secretary of State, or to the said respective Registrars, at the rate of ten cents current money of the Dominion, for every one hundred words; and the

Where to be deposited.

Copies to be given on payment therefor Their effect.

the said copies of the said map, or plan, and book of reference so deposited, or a true copy or copies thereof, certified by the said Secretary of State, or by one of the said Registrars for the said respective counties, shall severally be, and they are hereby declared to be, good evidence in the Courts of Law and elsewhere.

Highways not to be obstructed. Bridges to be built.

9. Whenever any highway or public road shall be cut through by the said Canal, or any of its branches, the said Company shall, within one month thereafter, cause to be constructed a secure and sufficient bridge over the same, with proper approaches not exceeding a grade of one foot in twenty feet, so as to establish the communication between the several parts of such highway, under a penalty of twenty dollars per day for every day after the expiring of the said time, during which the said Company shall neglect to construct the said bridge: Provided always, that in the mean time some temporary means of passing along the said highway shall be constructed or provided: Also that the said Company shall, at their own costs and charges, make and maintain such works as may be necessary to secure the safest and most thorough working of the trains upon any lines of Railway that the said Canal may intersect; that the charges of watching any such works shall be paid for by the Canal Company; that all works rendered necessary by the intersection of any line of Railway shall be intimated to the Companies owning the said Railway lines, and approved of by the Governor General in Council before being commenced, and full and proper compensation shall be made to the Railway Companies for the injury and damage done to their lines by the intersection of the Canal.

Proviso.

And proper facilities to be provided for railways.

Punishment of persons maliciously injuring works.

10. If any person or persons shall maliciously or wilfully break, injure, throw down, or destroy, any bank, lock-gate, sluice, or any other work, machine, or other device, belonging, or pertaining to the said Company, or do any other wilful act, hurt, or mischief, to disturb, hinder, or prevent, the carrying into execution, the completing, and supporting the said Canal and navigation, or any of its branches, feeders, or other connections or works belonging to the said Company, every such person or persons so offending shall forfeit, and pay to the said Company, the full value of the damage so done, including loss or inconvenience occasioned by such obstruction, proved by the oath of two or more credible witnesses to have been done; such damages, with costs of suit in that behalf incurred, to be recovered in any Court having competent jurisdiction, and such wilful and malicious act shall be a misdemeanor, and the party or parties committing the same shall, and may be indicted and tried for a misdemeanor, in any Court of competent jurisdiction, and on conviction thereof, may be committed to the common gaol for any time not exceeding twelve months, at the discretion of the Court before whom such offenders shall have been convicted.

Act to be a misdemeanor

Punishment of persons obstructing navigation of the canal.

11. If any person shall obstruct, or impede the navigation of the said Canal, or other portion of the said intended navigation, by the

the introduction of any timber, or boats, or vessels, contrary to the rules and regulations laid down for the government of the same, to be made by the said Directors, and shall not immediately, upon notice given to the owner or person in charge of such timber, raft, boat, or vessel, so obstructing the navigation, remove the same, every such owner or person in charge of such timber, raft, boat or vessel so obstructing or impeding the navigation as aforesaid, shall forfeit and pay a sum not exceeding twenty dollars currency, for every hour during which the said obstruction shall continue; and it shall be lawful for the Company, or their servants, to cause such obstruction to be removed, and to cause every such boat, vessel, or raft, as shall be so overladen as to cause obstruction, to be detained and unloaded, so as to prevent or remove such obstruction, and to recover the cost of so doing from the owner or person in charge of the same, and to seize and detain such vessel, boat, or raft, and the cargo thereof, or any part of the cargo or furniture of such vessel, boat or raft, until the charges occasioned by such unloading or removal, or both, shall be paid or satisfied: And if any vessel, boat, or raft shall be sunk in any part of the said intended navigation, and the owners shall neglect, or refuse to weigh and remove the same forthwith, the said Company may cause the same to be weighed and removed, and retain the same until all the charges necessarily incurred in so doing shall be paid or satisfied, and all such charges may be recovered, in any Court of competent jurisdiction, from the owners or persons in charge of such vessel, boat, or raft.

Penalty.

Vessels overladen, or wrecked, &c., in the canal.

Powers in case of accidents requiring immediate repair.

12. In case of any accident requiring immediate repair on the said Canal, or any part of the said navigation, the said Company, their agents, or workmen, may enter upon the adjoining land (not being an orchard or garden) without any previous treaty with the owners or occupiers thereof, and dig for, work, get, and carry away, and use, all such gravel, stone, earth, clay, or other materials, as may be necessary for the repair of the accident aforesaid, doing as little damage as may be to such land, and making compensation therefor, and in case of dispute or difference regarding the amount to be so paid, the same shall be decided by arbitration, as hereinbefore provided: Provided, however, that if any action or suit shall be brought against the said Company, for any matter or thing done in pursuance of this Act, such action or suit shall be brought within twelve calendar months after the fact committed, and not afterwards.

Proviso.

Power to open and construct basins, docks, &c.

13. The said Company may open, cut, and erect such ponds and basins for the laying up and turning of vessels, boats, or rafts, using the said Canal or navigation, and at such portions of the navigation as they shall deem expedient, and they may also build and erect such dry docks, slips, and machinery connected therewith, for the hauling out and repairing such vessels, as they shall think proper, and may let the same on such terms as they shall deem expedient, or carry on the business of the same by their servants

servants or agents, as the said Company, or the Directors thereof, shall decide from time to time.

Time for construction limited.

14. The said Company, in order to entitle themselves to the benefit and privileges conferred upon them by this Act, shall commence the said work within two years, and complete the said Canal within five years after the passing of this Act; otherwise, this Act, and anything herein contained, shall be null and void to all intents and purposes.

Vessels to have draught of water marked.

15. Every vessel, of whatsoever kind, using the said Canal, shall have her draught of water legibly marked in figures of not less than six inches long, from one foot to her greatest draught, upon the stem and stern posts, and any wilful misstatement of such figures, so as to mislead the officers of the Canal as to any vessel's true draught, shall be punishable as a misdemeanor on the part of the owner and master of such vessel, and the said Directors may detain any such vessel upon which incorrect figures of draught shall be found, until the same are corrected at the expense of her owner.

Milestones to be erected.

16. So soon as conveniently may be after the said Canal shall be completed, the said Company shall cause the same to be measured, and stones or posts, with proper inscriptions on the sides thereof denoting the distance, to be erected and maintained at the distance of every mile from each other.

Measurement of tonnage of vessels using the canal.

17. And for preventing disputes touching the tonnage of vessels navigating the said Canal, every owner, or master of every boat, barge, raft, or vessel, navigating the said Canal, or other part of the said navigation, shall permit the same to be gauged and measured, and for refusing to permit the same, shall forfeit and pay the sum of twenty dollars, and it shall be lawful for the person appointed for that purpose by the said Directors, to gauge and measure all vessels using the said navigation, and his decision shall be final in respect to the tolls to be paid thereon, and he may mark the tonnage or measurement on every vessel habitually using the said Canal, and such measure so marked by him shall always be evidence respecting the tonnage in all questions respecting the tolls or dues to be paid to the said Company by virtue thereof.

Power to hold lands granted by the Crown.

18. The said Company may hold all such lands and water, hereditaments and tenements, as may, at any time, be granted to them by Her Majesty the Queen, Her Heirs or Successors, as necessary for the works.

Capital stock, and transfers thereof.

19. The capital-stock of the said Company shall be eight millions of dollars, to be held in eighty thousand shares of one hundred dollars each; and the shares of the said capital stock shall, after the first instalment thereon shall have been paid, be transferable by the respective persons subscribing or holding the same to any other

other person or persons, but no assignment or transfer shall be valid and effectual, unless it be made with the consent of the Directors, and registered in the books to be kept by the said Company for that purpose.

Who may subscribe for shares.

20. All persons, subjects of Her Majesty or aliens, may subscribe for any number of shares, the amount whereof shall be payable to the said Company, in the manner hereinafter mentioned, that is to say, five per cent. on each share so subscribed, shall be payable to the said Company immediately after the stockholders shall have elected the Directors as hereinafter mentioned, and the remainder by instalments of not more than twenty per centum, at such periods as the President and Directors shall, from time to time, direct for the payment thereof, provided that no instalment shall be called in at a shorter period than sixty days from the next preceding instalment; Provided always, that if any stockholder or stockholders shall neglect or refuse to pay the said Company the instalment due upon any share, or shares, held by him, her, or them, at the time required by law, such share or shares, with the amount previously paid thereon, shall be forfeited, and the said Directors shall sell such share or shares by public auction, after having given thirty days' notice of such intended sale to such stockholder or respective stockholders, and the proceeds thereof, with the amount previously paid thereon, shall be accounted for, and applied in the same manner as the other funds of the Company; Provided always, that such purchaser, or purchasers, shall pay all instalments which shall be due upon such shares, over and above the purchase-money thereof, immediately after the sale, and before they shall be entitled to a certificate of the transfer of such share or shares, so to be purchased, as aforesaid.

Instalments.

Proviso: in case payment be refused, stock may be forfeited.

Proviso.

Company may appoint Agents, and give them certain powers.

21. The Directors of the said Company may appoint such and so many agents in Canada, or in any other part of Her Majesty's Dominions, or elsewhere, as to them shall seem expedient, and may, by any By-law to be made for such purpose, empower, and authorize, any such agent or agents, to do and perform any act or thing, or to exercise any powers, which the Directors themselves, or any of them, may lawfully do, perform, or exercise, except the power of making By-laws; and all things done by such agent, or agents, by virtue of the powers in him vested by any such By-law, shall be as valid and effectual, to all intents and purposes, as if done by such Directors themselves, anything in any part of this Act to the contrary notwithstanding.

Municipalities subscribing for shares.

22. The Mayor, Warden, or Reeve, being the head of any Municipal Corporation, subscribing for and holding stock in the Company to the amount of twenty thousand dollars, or upwards, shall be, and continue to be, *ex officio* one of the Directors of the Company, in addition to the number of Directors authorized by this Act, and shall have the same rights, powers, and duties as any of the Directors of the Company.

23.

23. So soon as seven hundred and fifty thousand dollars of the capital stock shall have been subscribed, and ten per cent. thereon shall have been paid into some one or more of the Chartered Banks of the Dominion, or into some branch or agency of such Bank or Banks, it shall and may be lawful for the subscribers, or any of them, to call a meeting, pursuant to directions hereinafter contained, for the purpose of proceeding to elect Directors as hereinafter mentioned, and such election shall then and there be made by a majority of the subscribers present, in person or by proxy, and the persons then chosen shall remain in office as Directors, and be capable of serving until the first Wednesday in February succeeding their election; and until the aforesaid seven hundred and fifty thousand dollars of stock shall have been subscribed, the following persons shall be Provisional Directors of the said Company: Hon. Walter H. Dickson, Henry Paffard, S. S. J. Brown, William Kirby, Angus Smith, John Brown, J. M. Richards, F. J. King, J. S. McMurray, S. H. McCrae, Robert F. Sage, Donald Robertson, Cheney Amos, A. G. P. Dodge, D. B. Chambers, Hon. J. B. Robinson, Alexander Kirkland, Duncan Milloy, Edward O'Neill, S. H. Follett, Angus Morrison, Thomas Walton, Daniel C. Gunn, Henry Rolls, James F. Macklem, John C. Kirkpatrick, James Lawson, and George B. Gregg; Provided always that the parties hereinbefore named, or a majority of them, shall cause books of subscription to be opened in the town of Niagara, and in such other places as they may, from time to time, appoint, until the meeting of Shareholders, hereinafter provided for, for receiving the subscriptions of persons willing to become subscribers to the said undertaking; and for that purpose it shall be their duty, and they are hereby required to give public notice in one or more newspapers, published in the said town or place, as they, or a majority of them, may think proper, of the time and places at which such books will be opened, and ready for receiving subscriptions, as aforesaid, the persons authorized by them to receive such subscriptions, and the Chartered Bank or Banks into which the ten per cent. thereon is to be paid, and the time hereinafter limited for such payment; and every person whose name shall be written in such books as a subscriber to the said undertaking, and who shall have paid, within ten days after the closing of the said books, into the Bank or Banks aforesaid, or any branches or agencies thereof, ten per centum on the amount of stock so subscribed for, to the credit of the said Company, shall thereby become a member of the said Company, and shall have the same rights and privileges as such, as are hereby conferred on the several persons who are herein mentioned by name, as members of the said Company; Provided also, and it is hereby enacted, that such ten per cent. shall not be withdrawn from the said bank or banks, or otherwise applied, except for the purposes of the said Company.

Organization of the Company.

Provisional Directors.

Proviso: Opening of subscription books after notice.

Rights of subscribers.

Proviso: as to the ten per cent. paid in.

24. The chief duties of the Directors, so chosen, shall be, in the first place, to provide for and pay the preliminary expenses of the undertaking, procure and provide means for the payment for accurate and detailed surveys, specifications, plans, and estimates of

Duties of Directors.

of the work to be done, in order to complete the intended navigation as contemplated by this Act; also, to ask, and receive tenders for the whole or any part of the proposed work, and generally to do all things authorized by the said Company to be done by virtue of this Act; also, to issue to the parties, persons, or bodies, who may have contributed towards the payment of the preliminary expenses, stock certificates of the Company, for the amount of their respective contributions.

Power to borrow money and issue bonds, &c.

25. The said Company may from time to time lawfully borrow, either in Canada or elsewhere, such sum or sums of money as they may find expedient, and may make the bonds, debentures, or other securities, they shall grant for the sums so borrowed, payable either in currency or in sterling, and at such place or places, within or without this Dominion, as they may deem advisable, and may mortgage, or pledge the lands, tolls, revenues, or other property of the said Company, for the due payment of the said sums, and the interest thereon; and the said Company may issue debentures, in sums of not less than one hundred dollars currency, at not less than twelve months; Provided always that the sum or sums so borrowed, together with the sum or sums raised by stock or subscription, shall not at any time exceed the sum of eight million dollars.

Proviso.

Votes.

26. Each proprietor of shares in the said undertaking, shall be entitled, on every occasion when, in conformity to the provisions of this Act, the votes of the members of the said Company are to be given, to one vote for each share; Provided always, that all proprietors of shares, whether resident in this Dominion or not, may vote by proxy, if he, she, or they, shall see fit, provided that such proxy do produce from his constituent or constituents, a notice in writing in the words or to the effect following, that is to say:

Proviso as to proxies.

Form of proxy.

"I, , of , one of the proprietors of the "Ontario and Erie Ship Canal Company, do hereby nominate, "constitute, and appoint , of , to be my "proxy, in my name, and in my absence, to vote, or give my "assent, or dissent, to any business, matter, or thing, relating to "the said undertaking, that shall be mentioned or proposed at any "meeting of the proprietors of the said undertaking, or any of "them in such manner as he the said shall think fit, "according to his opinion and judgment, for the benefit of the "said undertaking, or any thing appertaining thereto.

"In witness whereof, I have hereunto set my hand and seal, the " day of , in the year one thousand "eight hundred and ."

Effect of vote by proxy:

And such vote or votes by proxy, shall be as valid as if such principals had voted in person; and whatsoever question, election of proper officers, matters or things, shall be proposed, discussed, or

or considered in any public meeting of the proprietors to be held by virtue of this Act, shall be determined by the majority of votes and proxies then present, and so given as aforesaid, and all decisions and acts of any such majority, shall bind the said Company, and be deemed the decision and acts of the said Company.

Majority to decide all questions.

27. No Shareholder in the said Company shall be in any manner whatsoever liable for, or charged with the payment of any debt, or demand due by the said Company, beyond the extent of his, her, or their share, in the capital of the said Company not paid up.

Liability of Shareholders limited.

28. The affairs of the said Company shall be managed by a Board of eleven Directors, who shall elect from among themselves a President and Vice-President; a majority of the said Directors shall be subjects of Her Majesty, and shall reside in Canada; the said Directors shall be elected on the first Wednesday in February, in every year, at a meeting of stockholders, to be held in the town of Niagara, and the said election shall be made by such Stockholders, as shall be present at such meeting, in person, or by proxy; and all elections for Directors shall be by ballot, and the eleven persons who shall have the greatest number of votes at any election, shall be Directors, (except as hereinbefore or after provided), and if two or more persons shall have an equal number of votes, in such manner, that more than eleven shall, by a plurality of votes appear to be chosen Directors, a second ballot shall be held, to determine which of the said persons having an equal number of votes, shall be Director or Directors.

Board of Directors, President, and Vice-President.

Elections.

29. The Directors so chosen, or those appointed in their stead in case of vacancy, shall remain in office until the first Wednesday in the month of February next following their election, and on the said first Wednesday in February, and on the first Wednesday in February in each year thereafter, or on such other day as shall be appointed by any By-Law, an annual general meeting of the said proprietors shall be held at the office of the Company for the time being, to choose eleven Directors for the ensuing year: but if at any time it shall appear to any ten or more of such proprietors, holding together two hundred shares at least, that for more effectually putting this Act into execution, a special general meeting of proprietors is necessary to be held, it shall be lawful for such ten or more of them to cause fifteen day's notice at least to be given thereof, in two public newspapers as aforesaid, or in such manner as the Company shall, by any By-Law, direct or appoint, specifying in the said notice, the time and place, and the reason and intention of such special meeting respectively; and the proprietors are hereby authorized to meet pursuant to such notice, and proceed to the execution of the powers by this Act given them, with respect to the matters so specified only; and all such acts of the proprietors, or the majority of them, at such special

Annual general meetings and elections.

Special general meetings.

special meeting assembled, such majority, not having either as principal or proxies, less than two hundred shares, shall be as valid to all intents and purposes, as if the same were done at annual meetings; Provided always, that it shall and may be lawful for the said Directors, in case of the death or absence, resignation or removal of any person elected a Director, to manage the affairs of the said Company, in the manner aforesaid to appoint another or others, in the room or stead of those of the Directors, who may die or be absent, resign or be removed as aforesaid, anything in this Act to the contrary notwithstanding; but if such appointment be not made, such death, absence, or resignation, shall not invalidate the acts of the remaining Directors.

Proviso: vacancies, how filled.

President and Vice-President.

30. The Directors shall, at their first (or at some other) meeting after the day appointed for the Annual General Meeting in each year, elect one of their members by ballot to be the President of the said Company, who shall always (when present) be the Chairman of, and preside at all meetings of the Directors, and shall hold his office until he shall cease to be a Director, or until another President shall be elected in his stead; and the said Directors may in like manner elect a Vice-President, who shall act as Chairman in the absence of the President.

Quorum of Directors.

Votes of Directors.

Casting vote.

Subject to general meetings of Shareholders.

Act of quorum to be act of Directors.

31. Any meeting of the said Directors, at which not less than six Directors shall be present, shall be a *quorum*, and shall be competent to use and exercise all and any of the powers hereby vested in the said Directors. Provided always, that no one Director, though he may be a proprietor of many shares, shall have more than one vote at any meeting of the Directors, except the President or Vice-President when acting as Chairman, or any temporary Chairman, who, in case of the absence of the President or Vice-President, may be chosen by the Directors present, either of whom, when presiding at a meeting of the Directors shall, in case of a division of equal numbers, have the casting vote, although he may have given one vote before; And provided also, that such Directors shall, from time to time, be subject to the examination and control of the said annual and special meetings of the said proprietors as aforesaid, and shall pay due obedience to all by-laws of the said Company, and to such orders and directions in and about the premises as they shall, from time to time receive from the said proprietors, at such annual or special meetings; such orders and directions not being contrary to the special directions or provisions in this Act contained. And provided also, that the act of any majority of a *quorum* of the Directors present at any meeting regularly held, shall be deemed the act of the Directors.

Auditors and their duties.

32. Every such annual meeting shall have power to appoint not exceeding three auditors, to audit all accounts of money laid out and disbursed on account of the said undertaking, by the treasurer, receiver or receivers, and other officer or officers to be by the said Directors appointed, or by any other person or

persons

persons whatsoever, and employed by or concerned for or under them, in and about the said undertaking, and to that end the said auditors shall have power to adjourn themselves over from time to time, and from place to place, as shall be thought convenient by them; and the said Directors chosen under the authority of this Act, shall have power, from time to time to make such call or calls of money from the stockholders of the said Canal and other works, to defray the expenses of or to carry on the same, as they, from time to time, may find wanting and necessary for these purposes, except as before provided; and such Directors shall have full power and authority to direct and manage all and every the affairs of the said Company, as well in contracting for and purchasing lands, rights and materials for the use of the said Company, as in employing, ordering and directing the work and workmen, and in placing and removing under-officers, clerks, servants and agents, and in making all contracts and bargains touching the said undertaking, and to affix or authorize any person to affix the common seal of the Company to any Act, deed, by-law, notice or other document whatsoever; and any such act, deed, by-law, notice, or other document, bearing the common seal of the Company, and signed by the President or Vice-President shall be deemed the act of the Directors of the said Company, nor shall the authority of the signer of any document purporting to be so signed and sealed, to sign and affix the said seal thereto, be liable to be called in question by any party except the Company.

Calls.

Directors to manage affairs of the Company.

Affixing seals to deeds, &c.

33. The owner or owners of one or more shares in the said undertaking, shall pay his, her or their shares and proportion of the moneys to be called for as aforesaid, to such person or persons, and at such time and place, as the said Directors shall, from time to time appoint and direct, of which thirty days' notice at least shall be given in two newspapers as aforesaid, or in such other manner as the said proprietors or their successors shall by any by-law direct or appoint.

Calls, how to be paid.

34. The said Company shall always have power and authority at any general meeting assembled as aforesaid, to remove any person or persons chosen upon such Board of Directors as aforesaid, and to elect others to be directors in the room of those who shall die, resign, or be removed, and to remove any other officer or officers under them, to revoke, alter, amend, or change any of the by-laws or orders prescribed with regard to the proceedings amongst themselves (the method of calling general meetings, and their time and place of assembling and manner of voting and appointing directors only excepted,) and shall have the power to make such new rules, by-laws, and orders for the good government of the said Company, and their servants, agents, or workmen, for the good and orderly making and using the said Canal, and all other works connected therewith, or belonging thereto, as hereby authorized, and for the well governing of all persons whatever travelling upon or using the said Canal and other works, or transporting any goods, wares, merchandise, or other commodities

Powers of general meetings.

By-laws.

commodities thereon, which said by-laws and orders shall be put into writing under the common seal of the said Company, and shall be kept in the office of the Company, and a printed or written copy of so much of them as relates to or affects any party other than the members or servants of the Company, shall be affixed openly in all and every of the places where tolls are to be gathered, and in like manner as often as any change or alteration shall be made to the same; and the said by-laws and orders so made and published as aforesaid shall be binding upon and observed by all parties, and shall be sufficient in any Court of Law or Equity to justify all persons who shall act under the same; and any copy of the said by-laws, or any of them, certified as correct by the President, or some other person authorized by the Directors to give such certificate, and bearing the common seal of the Company, shall be deemed authentic, and shall be received as evidence of such by-laws in any Court without further proof.

Proof of By-laws.

Transfer of shares.

35. All sales of the shares in the said undertaking shall be in the form following, varying the names and descriptions of the contracting parties as the case may require:—

The form.

"I, A. B., in consideration of the sum of paid by "C. D., of do hereby bargain, sell and transfer to the "said C. D., share (*or* shares) of the Stock of the "Ontario and Erie Ship Canal Company; to hold to him the said "C. D., his executors, administrators and assigns, subject to the "same rules and orders and on the same conditions that I held the "same immediately before the execution hereof; and I, the said "C. D., do hereby agree to accept the said share (*or* "shares) subject to the rules, orders and conditions."

"Witness our hands and seals, this day
"in the year one thousand eight ;"

Proviso.

Provided always that no such transfer of any share shall be valid until all calls or instalments then due thereon shall have been paid up.

Appointment of officers and clerks.

36. It shall and may be lawful to and for the said Directors, and they are hereby authorized, from time to time, to nominate and appoint a treasurer or treasurers, and a clerk or clerks to the said Company, taking such security for the due execution of their respective offices as the Directors shall think proper; and such clerks shall, in a proper book or books, enter and keep a true and perfect account of the names and places of abode of the several Stockholders of the said Company, and of the several persons who shall, from time to time, become owners or proprietors of, or entitled to any share or shares therein, and of the other acts, proceedings and transactions of the said Company, and of the Directors for the time being, by virtue of and under the authority of this Act; And the said Directors shall have

Fixing tolls.

have power by by-law to fix and regulate the tolls to be taken upon the said Canal; but no such tolls shall be levied or taken until approved of by the Governor in Council, nor until after two weekly publications in the *Canada Gazette* of the by-law establishing such tolls, and of the Order in Council approving thereof. **Proviso.**

37. The said Company shall, from time to time, print and stick up, or cause to be printed and stuck up in their office, and in all and every of the places where the Tolls are to be collected, in some conspicuous place there, a printed board or paper containing all the Tolls payable under this Act. **Table of tolls to be posted up.**

38. The said Company, or the Directors of the said Company, shall, and they are hereby required to cause a true, exact, and particular account to be kept, and annually made up, and balanced, on the thirty-first day of December in each year, of the money collected and received by the said Company, or by the Directors or treasurer of the said Company, or otherwise, for the use of the said Company by virtue of this Act, and of the charges and expenses attending the erecting, making, supporting, maintaining, and carrying on their works, and of all other receipts and expenditures of the said Company, or the said Directors: And, at the general meetings of the proprietors of the said undertaking, to be, from time to time, holden as aforesaid, a dividend shall be made out of the clear profits of the said undertaking, unless such meetings shall declare otherwise, and such dividend shall be at and after the rate of so much per share upon the several shares held by the proprietors in the joint stock of the said Company, as such meeting or meetings shall think fit to appoint or determine; Provided always, that no dividend shall be made, whereby the capital of the said Company shall be in any degree reduced or impaired, nor shall any dividend be paid in respect of any share after a day appointed for payment of any call for money in respect thereof, until such call shall have been paid. **Accounts of the Company.** **Dividends.** **Proviso.**

39. In all cases where there shall be a fraction of a mile in the distance which vessels, rafts, goods, wares, merchandize, or other commodities or passengers shall be conveyed or transported on the said navigation, such fraction shall, in ascertaining the said rates, be deemed and considered as a whole mile; and in all cases where there shall be the fraction of a ton, in the weight of any such goods, wares, merchandize, and other commodities, a proportion of the said rates shall be demanded and taken by the said Company, calculated upon the number of quarters of a ton contained therein; and in all cases where there shall be the fraction of a quarter of a ton, such fraction shall be deemed and considered as a whole quarter of a ton. **Fractions of distances and weight.**

40. Every matter or thing which the said Company are authorized to do or suffer, shall be interpreted to mean that the said Company shall be empowered to do and suffer all such acts, matters and things by their duly appointed agents, servants and workmen, **Interpretation of provisions in this Act.**

 whether

whether the same be specially mentioned or not; and in all cases wherein the said Canal is mentioned in this Act, the same shall apply to all branches, feeders, reservoirs, and rivers or parts of rivers which shall be made part or parcel of the navigation thereof, or of the supplying of the same with water.

Company to carry mails, troops, &c., when required

41. The said Company shall, at all times, when thereunto required by the Post Master General of the Dominion, the Commander of the Forces, or any person having the superintendence or command of any Police Force, carry Her Majesty's Mails, Her Majesty's Naval or Military Forces or Militia, and all artillery, ammunition, provisions or other stores for their use, and all policemen, constables and others, travelling on Her Majesty's service, on the said Canal, on such terms and conditions, and under such regulations, as the Governor or person administering the Government shall in Council appoint and declare.

Parliament may make further provision as to use of the canal by Government.

42. Any enactments which the Parliament of Canada shall hereafter deem it expedient to make, or any Order in Council which the Governor General may hereafter deem it expedient to pass, with regard to the exclusive use of the Canal by the Government at any time, or the carriage of Her Majesty's Mail or Her Majesty's Forces and other persons and articles, or the rates to be paid for carrying the same, or in any way respecting the use of any Electric Telegraph, or other service to be rendered by the Company to the Government, shall not be deemed an infringement of the privileges intended to be conferred by this Act.

Securities of officers.

43. The said Company shall and are hereby required and directed to take sufficient security by one or more bond or bonds, or a sufficient penalty or penalties, from their treasurer, receiver and collector for the time being, of the moneys to be raised by virtue of this Act, for the faithful execution, by such treasurer, receiver and collector of his and their office and offices respectively.

Time for bringing suit for things purporting to be done under this Act limited.

44. If any action or suit shall be brought or commenced against any person or persons for any thing done or to be done in pursuance of this Act, or in the execution of the powers and authorities or of the orders and directions hereinbefore granted, every such action of suit shall be brought or commenced within six calendar months next after the fact committed, or in case there shall be a continuation of damage, then within six calendar months next after the doing or committing such damage shall cease, and not afterwards; and the defendant or defendants in such action or suit, shall and may plead the general issue, and give this Act and the special matter in evidence at any trial to be held thereupon, and that the same was done in pursuance and by the authority of this Act, and if it shall appear to have been so done, or if any action or suit shall be brought after the time so limited for bringing the same, or if the plaintiff or plaintiffs shall be nonsuited, or discontinue his, her or their action or suit, after the defendant or defendants shall have appeared, or if judgment shall be given against the plaintiff or plaintiffs

Pleadings in such suit.

plaintiffs, the defendant or defendants shall have full costs, and shall have such remedy for the same as any defendant or defendants hath or have for costs of suit in other cases by law.

45. Any person or persons who thinks himself, herself, or themselves aggrieved by any thing done by any Justice or Justices of the Peace in pursuance of this Act, may, within four calendar months after the doing thereof, appeal from the conviction or order in the manner provided by the "Act respecting the duties of Justices of the Peace out of Sessions, in relation to summary convictions and orders." **Appeal given to persons aggrieved by any Justice of the Peace under this Act.**

46. Any contravention of this Act by the said Company or any other party, for which no punishment or penalty is herein provided, shall be a misdemeanor, and shall be punished accordingly, but such punishment shall not exempt the said Company (if they be the offending party,) from the forfeiture of this Act, and the privileges hereby conferred on them, if, by the provisions thereof, or by law, the same be forfeited by such contravention. **Contravention of this Act to be misdemeanor.**

47. Nothing herein contained shall affect or be construed to affect in any manner or way whatsoever, the rights of Her Majesty, Her Heirs and Successors, or of any person or persons, or any bodies politic, corporate or collegiate, such only excepted as are herein mentioned. **Rights of Her Majesty saved.**

48. Her Majesty, Her Heirs and Successors may, at any time, assume the possession and property of the said Canal and works and of all the rights, privileges, and advantages of the Company, (all which shall after such assumption be vested in Her Majesty, Her Heirs and Successors) on giving to the said Company one week's notice thereof, and on paying to the said Company the value of the same, to be fixed by Arbitrators, one to be chosen by the Government, another by the Company, and in case of disagreement by a third Arbitrator to be chosen by the said two Arbitrators; provided that such value shall not be fixed at less than the Capital stock of the Company with interest from the time of the investment thereof at eight per cent., deducting, however, all dividends declared and paid to the Shareholders. **Canal and works may be assumed by the Crown on certain conditions.** **Proviso.**

49. The said Company shall annually submit to the Parliament of Canada, within the first fifteen days after the opening of each Session thereof, after the opening of the said Canal, or any part thereof, to the public, a detailed and particular account, attested upon oath, of the moneys by them received and expended under and by virtue of this Act, with a classified statement of the amount of tonnage and of the vessels, passengers and freight that have been conveyed along the said Canal; and no further provisions which Parliament may hereafter make with regard to the form or details of such account, or the mode of attesting or rendering the same, shall be deemed an infringement of the privileges hereby granted to the Company. **Yearly statement to be submitted to Parliament.**

Provisions of any general Act to apply

50. Nothing herein contained shall be construed to except the Canal by this Act authorized to be made, from the provisions of any general Act which may be passed during the present or any future Session of Parliament; and no further provision which Parliament may make for enforcing any of the provisions of this Act, or for protecting the public or the rights of private parties shall be deemed an infringement of the rights of the said Company.

CAP. XLIX.

An Act respecting the Grand Trunk Railway Company of Canada and the Buffalo and Lake Huron Railway Company.

[*Assented to 12th May*, 1870.]

Preamble. 29, 30, V., c. 92.

WHEREAS an Act was passed by the Parliament of the late Province of Canada, in the Session held in the 29th and 30th years of the Reign of Her present Majesty, intituled "An Act to legalise and confirm an Agreement made between the Grand Trunk Railway Company of Canada, and the Buffalo and Lake Huron Railway Company," which Agreement is set out in, and forms the Schedule to the said Act;

And whereas the said Agreement so legalized, provided, that at any time within six years, the Grand Trunk Railway Company of Canada might purchase the whole of the shares of the Buffalo and Lake Huron Railway Company;

Agreement of 2nd February 1870.

And whereas an agreement bearing date the second day of February, 1870, has been made between the Grand Trunk Railway Company of Canada and the Buffalo and Lake Huron Railway Company, and which agreement forms the Schedule to this Act, having for its object the vesting in the Grand Trunk Railway Company of Canada, the undertaking of the Buffalo and Lake Huron Railway, to the extent, and in the manner in the said agreement forming the Schedule to this Act set out and expressed;

Confirmation of agreement by respective Companies.

And whereas the said agreement forming the Schedule to this Act, has been confirmed at a General Meeting of the Stockholders and Bond-holders of the Grand Trunk Railway Company of Canada, and at separate general meetings of the Shareholders and Bond-holders of the Buffalo and Lake Huron Railway Company, all such meetings having been specially convened for that purpose: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1.

Agreement of 2nd Feb., 1870, set forth in schedule hereby confirmed and made binding.

1. The agreement bearing date the second day of February in the year of our Lord 1870, and made by and between the Grand Trunk Railway Company of Canada of the one part, and the Buffalo and Lake Huron Railway Company of the other part, and which agreement is set out in, and forms the Schedule to this Act, is hereby confirmed, and all the powers, provisions, stipulations, covenants, agreements, and all and singular other the matters in the said agreement contained, shall be valid and binding in favor of and upon both Companies, and in favor of and upon all mortgagees, debenture holders, and creditors of each Company, as fully and effectually, and shall in all respects have the same force and effect as though the same were, and every of them was expressly embodied in this Act; Provided always, that nothing in this Act, or in the said agreement forming the schedule to this Act, contained, shall vary or change the position of the Corporation of the Town of Brantford, as defined in the Act of the Parliament of the late Province of Canada, passed in the 29th and 30th years of Her Majesty's reign, and chaptered 92, or as it now is, under existing Acts; And provided also, that nothing in this Act, or in the agreement which forms the Schedule to this Act, shall in any manner prejudicially affect any rights or remedies, if any such exist, of any person or persons who is or are judgment or other creditors of the Buffalo, Brantford, and Goderich Railway Company, or of the Buffalo and Lake Huron Railway Company; but that they shall, as respects the said rights and remedies, (if any such exist) remain precisely in the same position as they were before this Act was passed; and provided further that any charge or lien (if any such exist) of the said judgment creditors in this proviso mentioned, on any of the lands, or bonds, or mortgages referred to in the said agreement, shall not be in any wise affected or impaired by this Act, or by the said agreement; and that any suit now being prosecuted in respect of any of the said claims may be continued without joining the Grand Trunk Railway Company as defendant.

Proviso as to Town of Brantford.

Proviso: Saving rights of judgment or other creditors.

Recital respecting traffic of Grand Trunk Railway Company across the Niagara River.

2. And whereas the present mode of working the traffic from the Buffalo and Lake Huron Railway across the Niagara River is inefficient and expensive, and it is therefore desirable to secure the construction of the International Bridge across the said river, and for that purpose the Grand Trunk Railway Company of Canada, desire power to guarantee to the International Bridge Companies or to the United Bridge Companies as the case may be, an income in return for the use of the said Bridge, equal at least, to the sum it costs the Grand Trunk Railway Company to work their present traffic across the said river, including the expenses of maintaining the Boats and all the works connected with their present Ferry; Therefore, it shall be lawful for the Grand Trunk Railway Company of Canada to enter into agreement with the International Bridge Company incorporated by the Parliament of the late Province of Canada, and also with the International Bridge Company incorporated by the Laws of the State of New York, or with the said Companies united as authorized by the Statute passed by the Parliament

G. T. R. Company may agree with International Bridge Company, and other Companies for annual rental, &c., for the said bridge.

liament of the Dominion of Canada, for the purpose of securing such annual rent as may be necessary to pay interest upon the cost of the said bridge across the Niagara River, at or near Fort Erie, in the Province of Ontario, such annual rental being in lieu of the present cost of working and maintaining the present Ferry and Ferry Works between Fort Erie and Buffalo; and the said sum so agreed to be paid shall form part of the working expenses of the Grand Trunk Railway Company, under section twenty of the Grand Trunk Arrangements Act of 1862, (25 Vic. cap. 56.) And any such agreements made between the Companies mentioned in this section shall be binding upon each and all of them: Provided always, the sum so agreed to be paid by way of rent as aforesaid shall not exceed the sum of twenty thousand pounds sterling per annum: But nothing in this section contained shall alter, affect, vary or lessen the rights and privileges granted to railway companies in respect to the passage of the said bridge, and the use of the machinery and fixtures thereof, and of all the approaches thereto, by an Act passed by the Legislature of the late Province of Canada, in the 20th year of Her Majesty's Reign, intituled, "An Act to incorporate the International Bridge Company."

Proviso.

Rights of Railway Companies under 20 V., c. 227, saved.

SCHEDULE.

Recital of previous agreements, &c.

Articles of Agreement, made the 2nd day of February, 1870, between the Grand Trunk Railway Company of Canada, hereinafter called "The Grand Trunk Railway Company" of the one part, and The Buffalo and Lake Huron Railway Company, hereinafter called "The Buffalo Company" of the other part. Whereas, by an Act of the Provincial Legislature of the late Province of Canada, passed in the 29th and 30th years of the Reign of Her present Majesty, intituled "An Act to legalize and confirm an Agreement made between The Grand Trunk Railway Company of Canada, and The Buffalo and Lake Huron Railway Company," the Agreement, dated the seventh day of July, 1864, (hereinafter called the Agreement of 1864), made between the said Companies, and set forth in the Schedule to the said Act was confirmed, subject to the acceptance thereof, by meetings of the Shareholders of the respective Companies, which were subsequently held, and which duly accepted the same, and by which Agreement, The Grand Trunk Company, undertook the working of the Buffalo Railway, paying the Buffalo Company a certain proportion of the net receipts of the two undertakings, and by the said Agreement, the option was given to the Grand Trunk Company at any time within six years from the date of the Agreement, on assuming all the obligations and liabilities as therein ascertained and described of the Buffalo Company, to purchase at the price therein named, the whole of the Ordinary Share Capital of the Buffalo Company, the purchase-money being payable either in cash, or in Grand Trunk Railway Stock, at the option of the individual holders of the Buffalo Capital, and the said Agreement was by the 7th clause thereof to subsist for 21 years only: And whereas,

whereas, by another Act of the same Legislature, intituled "The Grand Trunk Railway Act, 1867," it was enacted, that it should be lawful for the said two Companies, from time to time, during the continuance of the Agreement of 1864, by Agreement under their respective Common Seals, to alter and vary its terms and conditions in so far as related to all, or any of the several matters in the 1st, 2nd, 4th, 5th, 6th, and 7th clauses of the said Agreement of 1864 contained; subject, nevertheless, to a proviso that no such new Agreement should have any effect for any period in excess of twenty-one years declared in the said seventh clause, nor unless and until confirmed at General Meetings of the respective Companies specially convened for the purposes, at which meetings, Bondholders, as well as Stockholders and Shareholders should be entitled to vote: And whereas, difficulties have arisen in carrying out the Agreement of 1864, and the said Companies have agreed, subject to confirmation at such General Meetings as aforesaid, of their respective Companies, to alter the terms of the said Agreement of 1864, and lest such alteration should not be within the power of alteration given by the Act of 1867, as aforesaid, it has been agreed, subject to Article 21, hereinafter contained, to cancel the said Agreement of 1864, as from the date hereinafter mentioned, and to substitute this Agreement in its place, and to apply to the Legislature of the Dominion of Canada for confirmation thereof: Now therefore, it is hereby mutually agreed and declared by and between the said Companies, each of the said Companies covenanting for itself and its successors, with the other of the said Companies and its successors, in manner following, that is to say:

Settlement of accounts up to 30th June, 1868.

1. The sum of £30,000 already paid by the Grand Trunk Company to the Buffalo Company, shall be considered and accepted by both Companies as in full and final Settlement of all Accounts between them, and of all share of profits or money upon any Account, due from either Company to the other, as up to the 30th day of June, 1868.

Accounts from 1st July, 1868, to 1st July, 1869.

2. In respect of the period between the 1st of July, 1868, and the 1st July, 1869, the sum of £42,500 shall be taken as the share of the Buffalo Company, in the net receipts of the undertaking under the Agreement of 1864, including all interest and in settlement of all other claims whatsoever of either Company upon the other, up to the 1st of July, 1869, the Buffalo Company hereby agreeing to accept for this £42,500 Equipment Mortgage Bonds, No. 2, having 50 years to run, bearing interest at £6 per cent. per annum, to be issued by the Grand Trunk Company, under The Grand Trunk Railway Act, 1867; The Bonds to be taken at par in lieu of cash, and to bear interest as from the 1st of July, 1869. The Grand Trunk Company shall, on the execution of this Agreement, forthwith issue and deposit these Bonds in the hands of the Chairman of the Grand Trunk Company and the Chairman of the Buffalo Company;—immediately after the confir-

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mation of this Agreement by the Legislature of Canada, the Bonds shall be handed over to the Buffalo Company.

After 1st July, 1869.

3. As from the 1st of July, 1869, the Agreement of 1864 shall be, and the same is hereby cancelled, and all rights and liabilities of either Company thereunder shall wholly cease and determine.

Property of Buffalo Company transferred to G. T. R. Company, subject to certain exceptions and provisions.

4. As from the 1st of July, 1869, the Railway and Works, Stores, rolling Stock and surplus lands, and all other the property and rights of the Buffalo Company, except the £30,000 mentioned in the first article of this Agreement, and except the sums of money, Bonds, and Stock receivable under this Agreement, from the Grand Trunk Company, shall vest absolutely in the Grand Trunk Company, and be deemed part of their undertaking, subject (1) to all obligations imposed on the Buffalo Company by their several Acts, with respect to the maintenance, management, and working of the vested property; (2) to all existing mortgages and incumbrances thereon, ; (3) to all mortgages and incumbrances to be created under the provisoes in this clause hereinafter contained; (4) to an annual rent charge thereon, and on the tolls or rates arising therefrom, of the sum of £42,500, payable to the Buffalo Company by the Grand Trunk Company, under the fourteenth clause of this Agreement (but not to extend to any further sums payable under that clause) with power for the Buffalo Company, by distress as for rent in arrear, and by entry upon the Railway Works and property of the Buffalo Company hereby vested in the Grand Trunk Company, and by the receipt of the tolls, rates, and profits arising therefrom, to recover payment of the said annual sum of £42,500, and of any half-yearly payment thereof, when in arrear for six months: Provided always, that the Buffalo Company may from time to time issue Mortgage Bonds, Debentures, or Debenture Stock, in renewal of, or in substitution for, (but not to a greater amount, nor at a higher rate of interest) existing Mortgage Bonds and Debentures of the Buffalo Company, including the £166,666 13s. 4d., Bonds issued by the Buffalo, Brantford, and Goderich Railway Company, and including the £61,070 16s. 8d., or Capitalized Coupon Bonds, issued by the Buffalo Company in 1865; and all such Mortgage Bonds, Debentures, or Debenture Stock may extend over the whole of the undertaking of the Buffalo Company hereby vested in the Grand Trunk Company, and this, although the securities for which they are substituted may extend over a part only; And the Buffalo Company may also issue Mortgage Bonds, Debentures, or Debenture Stock, extending over the whole undertaking of the Buffalo Company, to an amount not exceeding £44,988, bearing interest at a rate not exceeding £6 per cent. per annum, in satisfaction of, and in order to capitalize the present arrears of interest to that amount on the present Debenture debt: subject only as hereinbefore in this clause mentioned, the Railway, Works, surplus lands, property and rights of the Buffalo Company, hereby vested in the Grand Trunk Company, shall be held by them free from all the debts, liabilities, and obligations of the Buffalo Company.

Proviso: Certain powers, &c., saved to Buffalo Company.

5.

5. All the provisions of part III of The Companies' Clauses Act, 1863, relating to Debenture Stock, shall, except so far as they are varied by sec. 24 of the Railway Companies' Act, 1867, and, by this Agreement, apply to the Debenture Stock to be created and issued under the preceding article, as if the same had been set forth in this Agreement.

Certain provisions of Companies' Clauses Act (*of Imperial Parliament*) to apply.

6. On the passing of the Act hereinafter mentioned, £615,000 of Ordinary Stock, and £615,000 of 4th Preference Stock, shall be deemed to have been created by the Grand Trunk Company, to rank respectively with, and to have the same privileges and incidents as are attached to the Ordinary Stock, and to the 4th Preference Stock of the Grand Trunk Company respectively, by the Grand Trunk Arrangements Act, 1862, and to be consolidated with, and to form part of those Stocks respectively, and to be entitled respectively to the respective dividends mentioned in the said Act, as from the day of the passing of the said Act, or the 1st day of July, 1870, which shall first happen, and the Grand Trunk Company shall forthwith, after the passing of the said Act, issue to, and shall register in the name of each holder of Ordinary Shares in the Buffalo Company, £10 5s. 0d. of Grand Trunk Ordinary Stock, and £10 5s. 0d. of Grand Trunk Fourth Preference Stock, in substitution for, and in satisfaction of each Ordinary Share of £20 10s. 0d. in the Buffalo Company, and shall issue, gratis, to each such registered holder, certificates for the amount of Stock in the Grand Trunk Company registered in his name, and thereupon all the then existing Ordinary Share Capital of the Buffalo Company shall be extinguished.

A certain amount of Grand Trunk Stock to be assigned to Shareholders of Buffalo Company.

7. On the passing of the said Act, and the substitution of Ordinary and Fourth Preference Shares of the Grand Trunk Company, for the Ordinary Shares of the Buffalo Company, under the preceding article, the Buffalo Company shall be represented by the holders of the Preference Shares in the Buffalo Company, until such Preference Shares shall be converted under the provisions hereinafter contained into Ordinary Shares, or Stock, of the Buffalo Company, and thereafter the Buffalo Company shall be represented by the holders of such Ordinary Shares, or Stock; and subject to this Agreement, all the powers and provisions of the Buffalo Company's Acts, relating to the Capital of that Company, and to the administration of its affairs, shall continue in force, notwithstanding the vesting of the undertaking of the Buffalo Company in the Grand Trunk Company under this Agreement.

How the Buffalo Company shall be represented.

8. The Buffalo Company may, with the sanction of the votes of three-fifths of its Preferential Shareholders present in person or by proxy, and voting at a Special General Meeting of the Preferential Shareholders, to be called in the usual manner for that purpose, create and issue, on such terms as the Meeting may think fit, Stock or Shares, of such amount as the Meeting may think fit, to be accepted by the Preference Shareholders, in lieu and satis-

Stock may be issued in satistion of arrears due to Preference Shareholders.

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faction of the arrears then due on the several classes of Preference Shares of the Buffalo Company, and bearing a Preferential rate of Dividend not exceeding that payable on the Shares in respect of which arrears are due; and, by the like authority, they may convert the several classes of Preference Shares in the Buffalo Company, including the last-mentioned Preference Shares, into Ordinary Stock, or into Ordinary Shares, of such amounts as the Meeting may think fit, without any special advantages or priority of Dividend.

Certificates of conversion of shares or arrears.

9. Immediately after any such conversion has been resolved on, the Directors of the Buffalo Company shall issue to each Proprietor of Preferential Shares, Certificates of Stock, or Shares, in lieu and satisfaction of the arrears then due on the Preference Shares held by him, and shall also issue to each Proprietor, Certificates of Ordinary Shares, or Stock, in exchange for the Certificates of the said Preferential Shares; or the Directors may endorse on such last-mentioned Certificates, a Statement that the Shares represented by such Certificates have been converted as aforesaid.

Shares created under this agreement to be subject to certain charges.

10. All Stock and Shares to be created and issued by virtue of the Act confirming this Agreement, as well by the Grand Trunk Company as by the Buffalo Company, shall be subject and liable to the same trusts, powers, provisions, declarations, agreements, charges, liens and incumbrances, as immediately before the creation and issue of such Stock, or Shares, affected the then existing Shares, for which such Stock or Shares are substituted, and so as to give effect to, and not revoke any Testamentary disposition of, or affecting such then-existing Shares.

Votes of Shareholders in Buffalo Company.

11. At all General Meetings of the Buffalo Company, every Shareholder shall be entitled to one vote for every Share in that Company held by him, and for the purpose of voting under article (8) of this Agreement, and for all other purposes, until the conversion of the Preference Shares of the Buffalo Company into Ordinary Shares, every Preference Shareholder in that Company shall be entitled to one vote for every Preference Share held by him.

Trust Deed of 10th January, 1865, to be void on passing of Act confirming this agreement.

12. On the passing of the said Act, the Trust Deed, dated the 10th of January, 1865, made between the Buffalo Company, of the first part; Henry Hyde and Thomas Moxon, of the second part; Philip Rawson and Charles Holland, of the third part; and Messrs. Hyde and Moxon, and Messrs. Rawson and Holland, of the fourth part: executed on the occasion of the issuing by the Buffalo Company of Bonds (herein called Coupon Bonds) for the amount of interest on their respective Mortgage Debentures, due up to, and in December 1864, or January or February 1865, shall, as to any future operation thereof, be wholly void and of no effect; and the Trustees of the said Deed shall be released and discharged from any obligation thereunder, and the Coupons in respect whereof the said Coupon Bonds were issued, shall be deemed to be cancelled.

12a.

12a. From and after the 1st of January, 1870, the interest now payable by the Buffalo Company, upon all their mortgages and bonds now outstanding, and which amount in the aggregate to £727,737 10s. 0d., shall be reduced from the rates of interest now payable thereon, to the uniform rate of £5 10s. 0d. per centum per annum, provided that the same be duly paid half-yearly, or within three calendar months from the day on which such interest falls due. All arrears of interest due to Mortgage Bondholders and Debenture-holders of the Buffalo Company to 31st December, 1869, including that capitalized by the said Trust Deed of 10th January, 1865, are to be paid by the Buffalo Company, partly in cash, partly in Grand Trunk Equipment Bonds, and the residue funded in 5½ per cent bonds. **Interest on certain bonds of Buffalo Company reduced.**

13. General Meetings of the Shareholders of the Buffalo Company may be convened by a Notice published once in the *Times* newspaper of London, in England, at least fourteen days before the day appointed for such meetings, instead of by the notices required to be given under Section 10, of the Act of Incorporation of the Buffalo Company. **Notices for general meetings.**

14. Subject as in the 19th Section of the Grand Trunk Arrangements Act, 1862, mentioned, the earnings of the Grand Trunk Company other than those in the first Section of that Act mentioned, after deduction of working expenses, as in the said Act defined, shall in each half-year ending on the 31st of December, and the 30th of June, be appropriated and applied, (1) in payment to the Buffalo Company of one equal moiety of the annual sum of £42,500 and of all arrears if any in respect of such annual sum, (2) in payment of the interest for the time being due on the Equipment Mortgage Bonds in the said Section mentioned, and of all arrears, if any, in respect thereof, (3) in payment of the interest for the time being due on the Equipment Mortgage Bonds No. 2, authorised to be issued by the Grand Trunk Railway Act, 1867, and of all arrears, if any, in respect thereof, (4) in priority to any other payments in the said Section mentioned, in payment to the Buffalo Company of one equal moiety of the following further sums and of all arrears, if any, in respect thereof :— **Order of charges on Grand Trunk earnings.**

For the year ending 30th June,	1870	- - -	£2,500
" " "	1871	- - -	7,500
" " "	1872	- - -	12,500
" " "	1873	- - -	17,500
" " "	1874	- - -	22,500
" " "	1875	- - -	23,500
" " "	1876	- - -	24,500
" " "	1877	- - -	25,500
" " "	1878	- - -	26,500
" " "	1879	- - -	27,500

and subject to the proviso hereinafter contained for every subsequent year £27,500; provided that in respect of any year after the

30th

30th day of June, 1879, the sum of £27,500 shall be payable only if there shall be a surplus (or to the extent that such surplus shall extend) of earnings in the whole year ending the 30th June, after payment of the interest for the time being due on the said Equipment Mortgage Bonds, issued under the said Acts of 1862 and 1867 respectively, and of all arrears, if any, in respect thereof.

Payments to Buffalo Company.

All the said half-yearly payments to the Buffalo Company are to be made on the 1st January and 1st July in each year, or within two calendar months from those periods respectively, the first half-yearly payments amounting to £21,250 and £1,250, to be deemed to have become due on the 1st of January, 1870, and to be paid within one month after the confirmation of this Agreement by the Parliament of Canada:

The payments to be made without any deduction whatsoever, except for property or income tax, or any similar tax or imposition now or hereafter to be imposed:

Proviso.

Provided that the Grand Trunk Company shall be entitled to retain out of such half-yearly payments, any sums of money which they may have been called upon to pay, and have actually paid, on account of any Debentures, Mortgages, or other incumbrances or liabilities (except those by this agreement expressly assumed by the Grand Trunk Company) of the Buffalo Company, together with interest thereon after the rate of £6 per cent per annum, with half-yearly rests for accumulations of interest.

Charges on sums payable to Buffalo Company.

15. The Mortgages and Incumbrances on the whole or any part of the undertaking of the Buffalo Company already existing or hereafter to be created under the 4th clause of this Agreement, and subject to which, the said undertaking is hereby vested in the Grand Trunk Company, shall, according to the respective rights and priorities of the holders, be the first charges on the sums from time to time payable to the Buffalo Company under this Agreement; and so long as those sums are duly paid to that Company according to the terms of this Agreement, but no longer, none of the holders of such Mortgages or Incumbrances shall exercise any of their powers or rights against the undertaking or property of that Company, but only against the said sums.

Proviso.

Grand Trunk Company to pay certain rents.

16. The Grand Trunk Company shall from time to time pay and discharge the rents and tolls now charged to, and payable by the Grand Trunk Company, and all new rents and tolls which may hereafter be chargeable against the joint system of the Grand Trunk and Buffalo Company, and the working of the traffic.

Buffalo Company to pay certain sums for land, &c., and other claims on it not expressly assumed by Grand Trunk Company.

17. The Buffalo Company shall forthwith, or when and as the same from time to time become due, pay and discharge all sums due from them as purchase-money for land sold to them, and for rights of way (but the Grand Trunk Company shall within twelve months from the confirmation of this Agreement by the Canadian Parliament, sell or retain at a valuation to be ascertained by a valuer

valuer to be named by each Company, the valuers to name an umpire to decide between them, in case of difference, the said surplus lands, and shall forthwith apply the proceeds of such sale or the amount of such valuation in extinction, so far as the same will go, of the sums so due for rights of way), and all other debts and obligations whatever except those by this agreement expressly assumed by the Grand Trunk Company, and except Mortgage and Debenture debts, and the arrears which, under this Agreement, may be capitalized, but including the interest not so capitalized on Mortgage and Debenture Debts, and that whether such obligations are a charge upon the line and property of the Buffalo Company, or upon any part thereof, or not; and shall for ever indemnify the said Grand Trunk Company against all the debts, liabilities and obligations of the Buffalo Company, except those hereby expressly adopted by the Grand Trunk Company, and against any interference with the railway, the works, the surplus lands, or other the property of the Buffalo Company vested by this Agreement in the Grand Trunk Company, and any demand by or on behalf of any creditor of or claimant against the Buffalo Company, except as aforesaid.

The Companies shall execute all deeds, &c., requisite to give effect to this agreement.

18. Either of the two Companies will, at the request of the other of them, execute all deeds and other documents (if any), and do all things necessary for carrying this Agreement into full effect, such deeds or documents, in case of difference, to be settled on behalf of the two Companies by counsel to be appointed, if not otherwise agreed on, by Her Majesty's Attorney-General for the time being, and such deeds and documents shall contain such details and incidental provisions as such counsel may think fit, together with such modifications (if any) of this agreement as the Companies may then agree to, and each of the said companies shall forthwith submit for confirmation at a Special General Meeting duly convened and held, this agreement and such deeds and documents if prepared; provided that the Grand Trunk Company shall not be bound to submit this agreement for confirmation to its General Meeting until it has been submitted to and approved by the General Meetings of the Shareholders and of the Bondholders of the Buffalo Company.

Proviso.

Applications to Parliament to confirm this agreement.

19. Both Companies will concur in an application or applications to the Legislature of the Dominion of Canada in the Session of 1870, and in the Session of 1871 for an Act or Acts of Parliament to confirm this agreement and to carry out its provisions. The Grand Trunk Company, by their agents, shall have the conduct of such applications, but the Buffalo Company may appear thereon by their own agent. Each Company shall pay its own costs attending such applications.

Provision if such application should fail in 1870;

20. In case of failure to obtain the requisite Act of the Legislature in the Session of Parliament of 1870, the Grand Trunk Company shall, immediately after the expiration of such Session, pay to the Buffalo Company a further sum of £18,000 on account of the half year ending 31st December, 1869, and the two Companies

panies shall renew such applications for confirmation of the said agreement in the Session of 1871, the Grand Trunk Company paying to the Buffalo Company, on the 1st day of September, 1870, the further sum of £20,000 on account of the half year ending the 30th of June, 1870.

And if it should fail also in 1871

21. If the requisite Act is not passed by the Legislature of Canada in the Session of 1871, this agreement shall be deemed to be at an end and void, and the said agreement of 1864 shall be and continue in force as if this agreement had not been made, and in such case the £30,000 mentioned in the first clause of this agreement, and the £18,000 and £20,000 mentioned in the 20th clause of this agreement shall be deemed to have been payments made on account only, under the agreement of 1864, and the said bonds deposited with the Chairmen of the two Companies, shall be returned to the Grand Trunk Company.

IN WITNESS whereof the said Grand Trunk Railway Company of Canada, and the Buffalo and Lake Huron Railway Company, have caused their Common Seals to be hereunto affixed the day and year first above written.

[L. S.] (Signed.) J. M. GRANT,
Secretary.

(Signed.) RICHARD POTTER,
Chairman of the Grand Trunk of Canada.

[L. S.] (Signed.) THOMAS SHORT,
Secretary.

(Signed.) M. H. MAXWELL,
Chairman of the Buffalo and Lake Huron Company.

CAP. L.

An Act to amend the Acts of Incorporation of the Great Western Railway Company.

[*Assented to 12th May*, 1870.]

Preamble.

WHEREAS, the Great Western Railway Company have represented by their Petition, that it will be more satisfactory to their Shareholders to have the system for election of Directors defined, the qualification of the Directors increased, and the mode of retiring from office changed; and have also petitioned that the gauge of their Railways may be changed: And it is expedient to grant the prayer of the said Petition:

Therefore,

Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The votes of the Shareholders, to be cast either in person or by proxy, at any half-yearly or special general meeting, upon any question or for any purpose, shall be taken from a List of Shareholders registered upon the Books at the time the Transfer Books preceding such Meeting, shall have been closed, notwithstanding anything in any of the said Acts of Incorporation contained as to the time of holding Shares prior to voting thereon. Votes to be on shares registered when the transfer books are closed.

2. No person shall be entitled to vote as a proxy, unless the instrument appointing such proxy has been transmitted to the Secretary of the Company not less than forty-eight hours before the time appointed for holding the meeting at which such proxy is to be used. Regulations as to proxies.

3. If several persons be jointly entitled to a share, the person whose name stands first in the register of Shareholders as one of the holders of such share shall, for the purpose of voting at any meeting, be deemed the sole proprietor thereof; and on all occasions, the vote of such first named Shareholder, either in person or by proxy, shall be allowed as the vote in respect of such share, without proof of the concurrence of the other holders thereof. Votes of joint Shareholders.

4. On and after the general meeting in October next, after the passing of this Act, no person shall be capable of being a Director, unless he be a Shareholder to the amount of at least forty shares, duly registered in his name. Qualification of Directors.

5. The Directors of the said Corporation, who, at the time this Act shall come into force, shall be in Office, shall retire at the times and in the proportions following; the individuals to retire being in each instance determined by ballot among the Directors, unless they shall otherwise agree (that is to say): Retirement in rotation of Directors.

At the general meeting to be held in October next, after this Act shall come into force, being at the end of the first year, four of such Directors, to be determined by ballot amongst themselves, unless they shall otherwise agree, shall go out of office;

At the general meeting to be held in October, being at the end of the second year, four of the remaining number of such Directors, to be determined in like manner, shall go out of office;

At the general meeting to be held in October, at the end of the third year, the remainder of such Directors shall go out of office;

and in each instance, the places of the retiring Directors shall be supplied

supplied by an equal number of qualified Shareholders; and at the general meeting held in October, in every subsequent year, the same rotation of vacancies shall take place, and those in the succession of numbers above specified who have been longest in office, shall go out of office, and their places shall be supplied in like manner; nevertheless, every Director so retiring from office, may be re-elected immediately or at any future time, and after such re-election shall, with reference to the going out by rotation, be considered as a new Director.

Filling occasional vacancies in office of Directors.

6. If any Director die, or resign, or become disqualified or incompetent to act as a Director, or cease to be a Director by any other cause than that of going out of office by rotation, as aforesaid, the remaining Directors, if they think proper so to do, may elect in his place some other Shareholder, duly qualified to be a Director; and the Shareholder so elected to fill up any such vacancy shall continue in office as a Director, so long only as the person in whose place he shall have been elected would have been entitled to continue if he had remained in office.

Proof of a particular majority of votes only required in the event of a poll being demanded.

7. Whenever the consent of any particular majority of votes of the Shareholders is required, in order to authorize any proceeding of the Company, the same shall be determined at an ordinary meeting of the Company, (unless the Acts requiring the same shall provide for a Special General Meeting,) by a majority of the Shares in number and value held by the Shareholders of the Company, for the time being entitled to vote upon such shares, as may be present in person or by proxy (in cases where proxies are allowed at such meetings), and such particular majority shall only be required to be proved in the event of a poll being demanded at such meeting; and if such poll be not demanded, then a declaration by the Chairman that the resolution authorizing such proceeding has been carried, and an entry to that effect in the book of proceedings of the Company shall be sufficient authority for such proceeding, without proof of the number or proportion of votes recorded in favor of or against the same.

Recital.

8. And whereas, the Company, in accepting the terms of the Act of the Legislature of the late Province of Canada, passed in the Session thereof held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled: "An Act to make provision for the "construction of a Main Trunk Line of Railway throughout the "whole length of this Province." constructed in compliance with it, their Railways on the gauge of five feet and six inches, and now desire to alter the same, it is enacted, they may alter the gauge of their Railways, including their Branches, to such width as may be deemed convenient and economical, and that all provisions of any Act of the Legislature of the late Province of Canada, requiring them to build their Railways, including their Branches, on the gauge of five feet six inches, are hereby repealed.

Power to alter gauge of their railway and its branch lines.

9.

9. Whenever the interest in any part of the Capital Stock of the Company, whether in Stock or Shares, preference, or otherwise, or in the dividend or dividends accrued thereon, shall be transmitted by the death of any Shareholder or Stockholder or otherwise, or whenever the ownership of, or legal right of possession in any such Stock or Shares, or dividends, shall change by any lawful means, other than by transfer, or shall be disputed, and the Directors of the said Company shall entertain reasonable doubts as to the legality of any claim to and upon such Stock or Shares, or dividend, then, and in such case, it shall be lawful for the Company to make and file a Bill or Petition, in the Court of Chancery for Ontario, setting forth the facts, and the amount of Stock or number of Shares previously belonging to the party in whose name such Stock or Shares stand in the books of the Company, and praying for an Order, Decree, or Judgment, adjudicating and awarding the said Stock or Shares, or dividends to the party or parties legally entitled to the same, by which Order, Decree, or Judgment the Company shall be guided, and held harmless, and indemnified and released from all and every other claim for the said Stock or Shares, or dividends, or arising therefrom; provided always, that notice of such Bill or Petition shall be given to all parties claiming such Stock or Shares, or dividends, who shall, upon the filing of such Bill or Petition, declare, and show his, her, or their claim or right, referred to in such Bill or Petition; and all costs and expenses attending such proceedings shall be in the discretion of the Court, who shall adjudge by whom and to whom the same shall be paid; And any question which can affect the interest of any proprietor of Perpetual Debenture Stock of the Company may be raised and determined by the said Court of Chancery in like manner as hereby applied to the Capital Stock of the Company.

Cases of doubt or dispute as to ownership of stock, or shares, or dividends may be disposed of, under order of the Court of Chancery.

Proviso.

10. The Directors of the Company shall immediately, on being duly served with a copy of such Order, Decree or Judgment of the said Court of Chancery, transfer such Stock or Shares, and pay over such dividends, to the party or parties to whom they shall have been declared to belong, by such Order, Decree or Judgment.

Duties of Directors on receipt of order of the Court.

11. From and after the passing of this Act, all transfers of bonds, stock or shares of the Company, shall be registered at the office of the Company in Canada, and not at the office of the Company established in England; but all such transfers may be left at the office of the Company in England, for the purpose of being transmitted to the office of the Company in Canada, for the purpose of registration.

Transfers to be registered in Canada.

12. A Duplicate Seal of the Company, to be marked Seal A, may be kept at the office of the Company in England, and may be used for the purpose of being affixed to any documents requiring the seal of the Company in England; and all documents sealed with the seal A, shall be as valid and effectual to all intents and

Duplicate corporate seal to be kept in England.

purposes as if the same had been sealed with the seal of the Company in Canada.

Third Auditor may be appointed: his powers.

13. The Shareholders may elect annually, in the manner provided for the election of the existing Auditors, a third Auditor, being a Shareholder resident in Canada, who shall have free access to the books and vouchers of the Company, and may employ such Accountants and other persons in Canada at the expense of the Company, as he shall think proper, and shall examine the accounts of the Company in Canada, and certify the same to the other two Auditors of the Company, or make such report on such accounts as he shall think fit.

CAP. LI.

An Act to incorporate the Detroit River Tunnel Company.

[*Assented to* 12*th May,* 1870.]

Preamble.

WHEREAS certain persons hereinafter named have petitioned for power to construct a Tunnel under the Detroit River, at such point near Windsor and Detroit, as may be found eligible, with the object of connecting by means of Railways passing through such Tunnel, the Great Western Railway and the Michigan Central Railroad, and all such other Railways or Railroads which now or may hereafter terminate either at Windsor or Detroit;

And whereas the Great Western Railway Company, claiming rights under their Acts of Incorporation, to construct the said work, have also petitioned, praying that the aforesaid Petitioners should be entrusted with the enterprise, and an Act of Incorporation passed in their aid, and it is expedient to grant the prayer of the said Petitions; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Incorporation of certain persons for the purposes of this Act.

1. The Honorable William McMaster, Senator; James F. Joy, of the City of Detroit, in the State of Michigan, Esquire; Henry P. Baldwin, of the same place, Esquire, and present Governor of the said State of Michigan; Christian H. Buhl, of the said City of Detroit, Esquire, President of the second National Bank, City of Detroit; Donald McInnes, of the City of Hamilton, in the Province of Ontario, Esquire; Nathaniel Thayer, of the City of Boston, in the State of Massachusetts, Esquire; the Honorable John Carling, of the City of London, Ontario; Joseph Price, of the aforesaid City of Hamilton, Esquire; Hugh Allan, of the City of Montreal, in the Province of Quebec, Esquire; George Stephen, of the same place, Esquire; Frank Smith, of the City of Toronto, in the

the Province of Ontario, Esquire; Lewis Moffatt, of the same place, Esquire; William B. Wesson, of the said City of Detroit, Esquire; François Caron and John O'Connor, both of the Town of Windsor, Esquires; and Morris K. Jesup, of the City of New York, Esquire; together with such persons and corporations as shall under the provisions of this Act, become shareholders in the said Company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of "The Detroit River Tunnel Company." Corporate name.

2. The Railway Act, 1868, is thereby incorporated with this Act, and shall form part hereof, and be construed therewith as forming one Act. Railway Act of 1868, incorporated with this Act.

3. The company hereby incorporated shall have full power under this Act to construct, maintain, work and manage a Tunnel under the Detroit River for Railway purposes, from some point at or near the town of Windsor in the county of Essex, towards the city of Detroit in the State of Michigan. Special powers to construct the tunnel.

(*a*) The said Tunnel may be made double, either in the whole or in part, with a third Tunnel for drainage purposes, if necessary. Conditions.

(*b*) When the said Tunnel is completed and put in operation, all trains of all Railways or Rail Roads terminating at Windsor aforesaid or at Detroit aforesaid, now constructed or hereafter to be constructed, shall have the right to pass through the said Tunnel, including the cars of any other Railway Companies which may be brought over such Railways, at corresponding tariff rates for the persons and property transported, so that no discrimination in tariff rates for such transportation, shall be made in favor of, or against any Railway or Rail Road, whose trains or business pass through the said Tunnel.

(*c*) The company shall have power to use any of the Public Highways for the construction and maintenance of the Tunnel or the works authorised by this Act, with the consent of the municipal council having jurisdiction over such highway.

4. The company are hereby authorised to work trains by steam or horse power for local passengers and freight traffic between Detroit and Windsor, through the Tunnel hereby authorised to be constructed, and to connect the said trains with other Railways, and, by rails or otherwise, to work the said trains into the town of Windsor and within its corporate limits. Power to arrange for local business.

5. The persons named in the first section are constituted the Board of Provisional Directors of the said company, and shall hold office as such until the first election of Directors under this Act, and shall have power and authority immediately after the passing of this Act, to open Stock Books and procure subscriptions of stock for the undertaking, giving at least four weeks previous notice by advertisement Powers of persons hereinbefore named as Provisional Directors.

advertisement in the "Canada Gazette," of the time and place of their meeting, to receive subscriptions of stock; and the said Provisional Directors may cause surveys and plans to be made and executed, and may acquire any plans and surveys now existing, and it shall be their duty, as hereinafter provided, to call a general meeting of Shareholders for the election of Directors.

No subscription valid unless ten per cent. paid thereon.

6. No subscription of stock in the capital of the said company shall be legal or valid, unless ten per centum shall have been actually and *boná fide* paid thereon, within five days after subscription, into one or more of the chartered Banks of Canada, to be designated by the said Directors, and such ten per centum shall not be withdrawn from such bank, or otherwise applied, except for the purposes of such Tunnel, or upon the dissolution of the company, from any cause whatever: and the said directors or a majority of them may, in their discretion, exclude any persons from subscribing, who, in their judgment, would hinder, delay, or prevent the said company from proceeding with and completing their undertaking under the provisions of this Act; and if more than the whole stock shall have been subscribed, the said provisional Directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said Directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, this will best secure the building of the said Tunnel.

Power to reject ineligible subscribers.

Provision if more stock is subscribed than is required.

Rights of aliens or non-resident shareholders.

7. Any Shareholder in the said Company whether a British subject or an alien, or a resident in Canada or elsewhere, shall have equal rights to hold Stock in the said Company, and to vote in the same and to be eligible to office in the said Company.

Capital.

8. The capital Stock of the said Company shall be three millions of dollars divided into thirty thousand shares of one hundred dollars each.

General meeting for election of Directors, when to be called.

9. So soon as one million dollars of the said capital Stock shall have been subscribed as aforesaid, and ten per cent. *boná fide* paid thereon, and deposited in one or more of the chartered Banks of Canada, for the purposes of the Company, the hereinbefore mentioned Directors, or a majority of them, shall call a meeting of the shareholders of the said Company at such time and place as they may think proper, giving at least two weeks' notice in the Canada and Ontario Gazettes, at which meeting the Shareholders shall elect seven Directors from the Shareholders possessing the qualifications hereinafter mentioned, which Directors shall hold office until the next annual meeting of the Shareholders as hereinafter provided.

Annual general meeting.

10. The annual general meeting of the Shareholders for the election of Directors, and other general purposes, shall be held at Windsor or elsewhere, as may be appointed by By-law, on the first Wednesday in the month of June in each year, and two weeks

previous

previous notice thereof, shall be given by publication, as provided in the last preceding section.

Qualification of Directors.

11. No person shall be elected a Director of the said Company unless he shall be the holder and owner of at least forty shares in the Stock of the said Company, and shall have paid up all calls made thereon.

Calls limited.

12. No call to be made at any time upon the said capital Stock shall exceed ten per centum on the subscribed capital.

Directors may issue bonds.

13. The Directors of the said Company, after the sanction of the Shareholders shall have been first obtained, at any special general meeting to be called from time to time for such purpose, but limited to the terms of this Act, shall have power to issue Bonds, made and signed by the President or Vice-President of the said Company, and countersigned by the Secretary and Treasurer, and under the seal of the said Company, for the purpose of raising money for prosecuting the said undertaking; and such Bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking, and the property of the Company, real and personal, and then existing, and at any time thereafter acquired; and each holder of the said Bonds shall be deemed to be a mortgagee and incumbrancer *pro-rata* with all the other holders thereof, upon the undertaking and the property of the Company as aforesaid: Provided, however, that the whole amount of such issue of Bonds shall not exceed in all the sum of three million dollars, nor shall the amount of such Bonds issued at any time be in excess of the amount of the paid up instalments on its share capital; and provided also further, that in the event at any time of the interest upon the said Bonds remaining unpaid and owing, then, at the next ensuing general annual meeting of the said Company, all holders of Bonds shall have and possess the same rights and privileges and qualifications for Directors and for voting, as are attached to Shareholders, provided that the Bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of Shares.

To be preferential claims.

Proviso: amount limited.

Proviso: if interest be not paid.

Company may become party to notes and bills, &c.

14. The Company shall have power to become parties to Promissory Notes and Bills of Exchange for sums not less than one hundred dollars, and any such Promissory Note made or endorsed, and such Bill of Exchange drawn, accepted or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer, and under the authority of a majority of a quorum of the Directors, shall be binding on the Company: and every such Promissory Note or Bill of Exchange made, drawn, accepted, or endorsed by the President or Vice-President of the said Company, and countersigned by the Secretary a[illegible] Treasurer, as such, shall be presumed to have been proper[illegible]nd drawn, accepted, or endorsed, as the case may be, for[illegible]ly made until the contrary be shown; and in no case [illegible] the Company, [illegible] shall it be necessary to

to have the seal of the Company affixed to any such Bill of Exchange or Promissory Note, nor shall the President, Vice-President, or Secretary and Treasurer of the Company, so making, drawing, accepting, or endorsing any such Promissory Note or Bill of Exchange, be thereby subjected individually to any liability whatever:

Proviso: not to issue bank notes.

Provided always that nothing in this section shall be construed to authorize the said Company to issue any Note payable to Bearer, or any Promissory Note intended to be circulated as money, or as the Notes of a Bank.

Company may purchase lands, and for what purposes

15. Whenever it shall become necessary, for the purpose of procuring sufficient lands for stations or gravel pits, or other purposes, for constructing, maintaining and using the said Tunnel, and it shall be necessary to purchase more land than is required for such stations or gravel pits, or other purposes, the said Company may purchase, hold, use or enjoy such lands and also the right of way thereto, if the same be separated from their Tunnel, in such manner, and for such purposes connected with the constructing, maintenance or use of the said Tunnel, as they may deem expedient, and may sell and convey the same, or parts thereof, from time to time, as they may deem expedient.

May enter into agreement with other Companies for use of tunnel, &c.

16. It shall be lawful for the said Company to enter into any Agreement with any Railway or Railroad Company or Companies in the Dominion of Canada, or in the United States of America, for leasing the said Tunnel, or the use thereof, at any time or times, or for any period, to such Railway or Railroad Company or Companies, or for leasing or hiring from such Company or Companies any Railway or Railroad or part thereof, or the use thereof, or for the leasing or hiring any locomotives, tenders, or moveable property, and generally to make any agreement or agreements with any such Company or such Companies touching the use by one or the other, or others, of the Tunnel, or Railway, or Railways, or Railroad, or Railroads, or moveable property of either, or of any of them, or any part thereof, or touching any service to be rendered by the one Company to the other or others, and the compensation therefor, or such Railway or Railroad Company or Companies may agree for the loan of its credit to, or may subscribe to and become the owner of the Stock of the Company hereby created, in like manner and with like rights as individuals; and any such Agreement shall be valid and binding, and shall be enforced by Courts of Law according to the terms and tenor thereof: and any Company or individual accepting and executing such Lease shall be and is empowered to exercise all the rights and privileges in the Charter conferred.

And for borrowing money

Subscribing to shares, &c.

Differences between Companies to be settled by arbitration.

17. In case of any disagreement, and as often as the same may arise, as to the rights of any Railroad or Railway whose trains or business shall pass through or over, the said work hereby authorized to be constructed, or the tariff rates to be charged in respect thereof, the same shall be determined by arbitrators, one to be appointed by this Company, and another by the Company with

with whom the disagreement shall have arisen, and a third, who shall be some person experienced in Railway affairs, by one of the Superior Courts of the Province of Ontario, upon application to such Court, due notice thereof having been given to the parties interested; and the award of the said arbitrators, or the majority of them, shall be final, provided that the terms of the said award shall not bind for a longer term than five years.

Company may unite with any other for a similar purpose.

18. It shall be lawful for the said Company to unite, amalgamate, and consolidate its stock, property, and franchises with the stock, property and franchises of any other Company incorporated, or which may be incorporated by the Laws of the State of Michigan, one of the United States of America, for a similar purpose with this Company, and to enter into all contracts and agreements therewith, necessary to such union and amalgamation, and which said Company shall be by the Laws of the State of Michigan authorized to enter into such amalgamation or consolidation.

Directors of said Companies may enter into a joint agreement for amalgamation and consolidation.

19. The Directors of the company hereby incorporated and of any corporation proposing to so amalgamate or consolidate as aforesaid, may enter into a joint agreement in duplicate under the corporate seals of each of the said Corporations, for the amalgamation and consolidation of the said Corporations, prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the number and names of the Directors and other officers thereof, and who shall be the first Directors and officers thereof, and their places of residence, the number of shares of the capital stock, the amount or par value of each share, and the manner of converting the capital stock of each of the said corporations into that of the new corporation, and how and when and for how long, Directors and other Officers of such new corporation shall be elected, and when elections shall be held, with such other details as they shall deem necessary to perfect such new organization and the consolidation and amalgamation of the said corporations, and the after management and working thereof, and such new corporation shall have power to consolidate or unite with either or any of the lines of Railway having powers of consolidation or union, connecting with the said Tunnel, by the same means and to the same ends as the same may be consolidated by this Act.

Such agreement to be submitted to the Stockholders of both at meetings, due notice being given.

20. Such Agreement shall be submitted to the Stockholders of each of the said corporations at a meeting thereof, to be held separately for the purpose of taking the same into consideration: notice of the time and place of such meetings and the object thereof shall be given by written or printed notices addressed to each of the persons in whose names, at the time of giving such notice, the capital Stock of such corporations shall stand on the Books of such corporations, and delivered to such persons respectively, or addressed to them by mail if their Post Office address shall be known to the Secretaries of such corporations; and also by a general notice to be published in a newspaper published in the

the county of Essex and in the City of Detroit once a week for two successive weeks. At such meetings of Stockholders, such Agreement shall be considered, and a vote by ballot taken for the adoption or rejection of the same, each share entitling the holder thereof to one vote, and the said ballots to be cast in person or by proxy, and if two thirds of the votes of all the Stockholders of such corporations shall be for the adoption of such agreement, then that fact shall be certified upon each of the said duplicates by the Secretary of each of such corporations under the corporate seals thereof; and if the said agreement shall be so adopted at the respective meetings of the Stockholders of each of the said corporations, one of the duplicates of the Agreement so adopted and of the said certificates thereon shall be filed in the office of the Secretary of State for the Dominion of Canada, and the other in the office of the Secretary of State of the State of Michigan; and the said Agreement shall from thence be taken and deemed to be the Agreement and Act of consolidation and amalgamation of the company and of such other corporation; and a copy of such Agreement so filed, and of the certificates thereon, properly certified, shall be evidence of the existence of such new corporation.

Agreement adopted to be filed, and certified copies to be evidence.

Upon perfecting of consolidation the powers, &c., of both Companies shall be consolidated.

21. Upon the making and perfecting of the said Agreement and Act of consolidation as provided in the preceding Section, and the filing of the said Agreement as in the said Section provided, the several corporations, parties thereto, shall be deemed and taken to be consolidated, and to form one corporation by the name in the said Agreement provided, with a common Seal, and shall possess all the rights, powers, privileges, and franchises, and be subject to all the disabilities and duties of each of such corporations so consolidated and united except as herein provided.

Vesting of property in such new Corporation.

22. Upon the consummation of such Act of consolidation as aforesaid, all and singular the property, real, personal, and mixed, and all rights and interest appurtenant thereto, all stock, subscriptions, and other debts due on whatever account, and other things in action belonging to such Corporations, or either of them, shall be taken and deemed to be transferred to, and vested in such new Corporation, without further act or deed: Provided however that all rights of creditors and all liens upon the property of either of such Corporations shall be unimpaired by such consolidation, and all debts, liabilities and duties of either of the said Corporations shall thenceforth attach to the new Corporation, and be enforced against it to the same extent as if the said debts, liabilities and duties had been incurred or contracted by it: And provided also, that no action or proceeding, legal or equitable, by or against the said Corporations so consolidated, or either of them, shall abate or be affected by such consolidation, but for all the purposes of such action or proceeding such Corporation may be deemed still to exist, or the new Corporation may be substituted in such action or proceeding in the place thereof.

Proviso: rights of creditors to be unimpaired.

Proviso: and no action to be affected by such consolidation.

23.

23. The said new Corporation shall have power, from time to time, to borrow such sums of money as may be necessary for constructing and completing the work hereby authorized, and for the acquiring of the necessary real estate for the site thereof, and approaches thereto, and to mortgage its corporate property and franchises to secure the payment thereof; but the principal of the mortgage debt of such Corporation shall not at any time exceed the sum of three million dollars, as hereinbefore provided.

Power to the new Corporation to borrow money, &c.

Proviso.

24. At all meetings of the Stockholders of the Company hereby incorporated, each Stockholder shall be entitled to cast one vote for each share of stock held by him, and to vote either in person or by proxy, and the Directors of the said Company may also, at any meeting of the Board, vote by proxy, such proxy to be held by another Director; provided that no more than two proxies be held by one Director, of the other Directors, and not less than four Directors shall be present in person at any meeting of the Board of Directors for the transaction of business.

Rights of Stockholders as to voting.

Proviso.

25. One hundred thousand dollars shall be paid in within two years, and the works shall be commenced within two years, and completed within six years, from the passing of this Act.

Time for commencing and completing the work.

CAP. LII.

An Act respecting the Canada Central Railway Company.

[*Assented to 12th May*, 1870.]

WHEREAS, it has been found impracticable to complete the line of Railway authorized to be constructed by the Canada Central Railway Company, within the time limited for that purpose; and whereas, the said Company, by its Petition, has prayed for an extension of the time fixed for the completion of the said Railway, and for other privileges; and it is expedient to grant the prayer of the said Petition; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Preamble.

1. The time limited for the deposit of maps, plans, and books of reference of the Canada Central Railway, is hereby extended for two years, and the time limited by the Act of the Legislature of the late Province of Canada, 29 Vict., cap. 80, for the completion thereof, for five years, from the 1st day of September next, and thence until the end of the Session of Parliament next thereafter: Provided, however, that the portion of the projected line of the said Railway, between Hawkesbury and Vaudreuil, may at any time during the said five years, from any point in West Hawkesbury to

Time for depositing map and completing railway extended

Proviso: as to portion between Hawkesbury and Vaudreuil.

to Vaudreuil, be constructed by the Vaudreuil Railway Company, —which Company as to the said line shall have the full exercise of all powers conferred upon it by the several Acts concerning the same. And inasmuch as by the British North America Act, 1867, the control of the land grant mentioned in the Act of incorporation of the said Company, is vested in the local Governments and Legislatures of the respective Provinces of Quebec and Ontario, it is hereby declared that the extension of time hereby granted shall not be construed to effect the continuance of such land grant beyond the time at present by law limited for its existence or otherwise to affect the same. And as to the portion of the said railway between Sand Point and Pembroke, the same shall be made *vid* the town of Renfrew, and within half a mile of the corporate limits of that town; and shall be commenced within one year after the passage of a valid By-law of the County of Renfrew subscribing for at least $180,000 of stock in the said Railway Company; and such subscription shall be expended exclusively upon the section of the said Railway lying between Sand Point and Pembroke, and equally along the said section in proportion to its length.

Proviso: as to land grant.

And as to portion between Sand Point and Pembroke.

Company may amalgamate with a certain other Company on certain conditions.

2. The said Company may amalgamate with the Northern Colonization Railway Company, and may accept and receive such Company as forming part of the Canada Central Railway Company in the place and stead of any other Company now comprised within the said Canada Central Railway Company, or as a part of the Canada Central Railway Company, with the consent of the Company for which it is substituted: And such amalgamation may be by deed, which, however, shall not have any force or effect until it shall have been submitted to the shareholders of both Companies at meetings of such shareholders respectively, duly called for the purpose thereof, and approved by them.

Effect of the deed of amalgamation being approved by the Governor in Council.

3. By such deed of amalgamation, it may be agreed that the amalgamating Companies shall thereafter form one Company, under the name of the *Ottawa Valley Railway Company*, of which change of name notice shall be given by advertisement, published for one month, in the *Canada Gazette;* and after such amalgamation, all debts, due and owing by the Companies parties to such amalgamation, shall become due and owing by the amalgamated Company, in the same manner as if they had been originally contracted by it; and, upon being approved of by the Governor in Council, all the assets and property of the Companies parties to such amalgamation (except any branch line not forming part of the main line, that may be specially excepted in such deed,) shall become vested in the amalgamated Company, in the same manner, and to the same extent as if they had been originally acquired by it, but subject to all liens, privileges, and charges thereon: And by such deed the proportion of stock which shall be represented by each Company shall be settled, and provision shall be made for giving the voting power to the stockholders of such of the Companies as shall be entitled theret

Proportion of stock to be held by Stockholders of each of the amalgamated Companies.

thereto, either by the retention of the stock originally issued to them, or by the conversion thereof, on terms which shall be agreed upon by the said deed, into stock of the amalgamated Company. And by such deed, also, the number of Directors to constitute the Board of Directors of the amalgamated Company shall be fixed, and the mode of appointing the first Board of such Directors shall be established, leaving subsequent Boards of Directors to be elected at the annual meetings of the amalgamated Company in the manner provided by law for the election of the Directors of the Canada Central Railway Company.

Number of Directors, &c.

4. If it should be deemed necessary for facilitating the negociation of the bonds or debentures issued or due by the Company, the shareholders thereof may, at any time, by a by-law thereof, duly passed at a meeting thereof, called for the purpose, resolve and provide that, if at any time the bonds or debentures issued by either of the amalgamated Companies, or by the amalgamated Company, or the interest coupons thereon, or any of them, shall become due, and shall remain unpaid for a period after they shall have become due and exigible, to be fixed by such by-law, the voting power of the shareholders in the amalgamated Company shall cease and be at an end, and thereafter that the holders of the bonds or debentures due and payable by the amalgamated Company shall have the right to vote at all meetings of the Company, and shall have all the powers conferred upon the shareholders of the Company by the Act of incorporation thereof, in the place and stead of such shareholders: and that the holders of such bonds or debentures shall be so entitled to vote in proportion to the amount of bonds or debentures held by them, in such manner as may be fixed by such by-law: And also to provide for the resumption of such voting power by the shareholders, and the cessation thereof in the bondholders, as to such shareholders may seem advisable. And such by-law shall not be modified or rescinded without the consent of all the persons then holding bonds of the Company negotiated subsequent to its passage.

Power to provide, by By-law, that Bondholders shall have the voting power in place of the Shareholders in case of non-payment of bonds or interest thereon, &c.

5. The amalgamated Company shall have power to receive from the Local Governments of the Provinces of Ontario and Quebec, such grant or grants of land, or of money, or both, as such Provinces may think proper to make to it in aid of the construction of the said Railway from Montreal to Lake Huron, and to hold and dispose of the same in such manner as may be prescribed by the terms of such grant or grants.

Amalgamated Company may accept grants of land, &c.

6. If it should become expedient to reduce the gauge of the said Railway to the gauge of four feet eight inches and a half, in order to make the entire line thereof of the said gauge, the said Company may do so upon being authorized so to do by the Governor in Council.

Power to change the gauge of railway.

7. Nothing in this Act contained shall apply to the Brockville and Ottawa Railway Company.

Not to apply to a certain railway.

8.

Bonds not to require registration.

8. The bonds or debentures to be issued by the Company under the powers heretofore conferred upon it, shall not require registration to secure the ranking of such bonds or debentures upon the Railway, its rolling stock, property and revenues, according to the date of the issue thereof respectively.

The Crown may assume the railway or certain powers as regards it, and on what conditions.

9. Her Majesty, Her Heirs and Successors, may at any time assume the possession and property of the said Railway and works, or any part thereof, and of all the rights of the Company (all which shall after such assumption be vested in Her Majesty, Her Heirs and Successors,) on giving to the said Company one week's notice thereof, and on paying to the said Company such sum of money for the same as shall be determined and fixed by the Parliament of Canada, either for the absolute purchase thereof, or for the leasing thereof, or for the making of running arrangements therewith, in respect of any railway appertaining to the Dominion of Canada; but no claim shall be made by the said Company for any exclusive right of way: Provided always, that the said Company shall not be construed to have any more power or right in respect of claiming any land grants than they would have had if this Act had not been passed.

Proviso: as to land grants

CAP. LIII.

An Act to revive the Charter of the Grand Junction Railroad Company.

[*Assented to* 12*th May,* 1870.]

Preamble. 16 V., c. 43.

WHEREAS, by an Act of the late Province of Canada, passed in the sixteenth year of Her Majesty's reign, chaptered forty-three, intituled, "An Act to Incorporate the Grand Junction Railroad Company," certain persons therein named, with all such other persons or corporations as should become shareholders in such Company as was therein mentioned, were ordained, constituted and declared to be a body corporate and politic in fact, by and under the name and style of the Grand Junction Railroad Company; And whereas after the passing of the said Act, the said Grand Junction Railroad Company became amalgamated with the Grand Trunk Railway Company of Canada, with the view of securing the construction of the said Grand Junction Railroad, under the auspices of the said Grand Trunk Railway Company, but the said Grand Trunk Railroad Company having declined the construction of the said Grand Junction Railroad, are willing and consenting to the Charter of the said Grand Junction Railroad being re-invested in and restored to those persons and corporations now interested in the construction of the said Grand Junction Railroad; And whereas Alexander Robertson, Mayor of Belleville, Thomas Kelso,

Kelso, President of the Board of Trade, William Fabian Meudell, Esquire, W. H. Ponton, Esquire, Abraham Diamond, Esquire, George Ritchie, Esquire, William Sutherland, Esquire, George Denmark, Esquire, and others, have petitioned, representing the foregoing facts, and have prayed that an Act may be passed to revive the Charter of the Grand Junction Railroad Company, and to place the said Company in the same position as it held before its amalgamation with the Grand Trunk Railway Company of Canada, with power to make arrangements with the said Grand Trunk Railway Company of Canada for the use of part of their line, and for station and other accommodation at Belleville, and for other purposes connected with the same as hereinafter more fully set forth, and it is expedient to grant the prayer of the said Petition: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada enacts as follows:—

Charter of Grand Junction Railway Company revived, and vested in certain persons and others.

1. All the corporate powers, rights, and privileges vested in the Grand Junction Railroad Company, by virtue of the Act of the late Province of Canada, passed in the sixteenth year of Her Majesty's Reign, chaptered forty-three, and intituled: "An Act to incorporate the Grand Junction Railroad Company," shall be, and the same are hereby restored to and vested in William Fabian Meudell, Peter Robertson, Henry Bull, James Ross, William Hamilton Ponton, James Brown, M.P., Hon. Robert Read, M.P., Hon. Billa Flint, Senator, Alexander Robertson, Mayor of the Town of Belleville, Thomas Kelso, Thomas Holden, Peregrine Maitland Grover, M.P., Charles Perry, M.P., Ketchem Graham, M.P.P., Henry Corby, M.P.P., George H. Boulter, M.D., M.P.P., John Carnegie, Jun., M.P.P., the Hon. James Cockburn, M.P. Speaker of the House of Commons, George Read, M.P.P., James S. Fowlds, Reeve of the Township of Percy, James Dinwoodie, Reeve of the Township of Seymour, James J. Farley, Reeve of the Township of Thurlow, Baltas Rose, Reeve of the Township of Sidney, Peter Chard, Reeve of the Village of Stirling, George Conley, Reeve of the Township of Rawdon, James Miller, Reeve of the Township of Otonabee, William W. Armstrong, Reeve of the Township of Belmont, George C. Choat, Reeve of the Township of Dummer, William Mohar, Reeve of the Township of Duro, Robert D. Rogers, Reeve of the Village of Ashburnhan, W. H. Scott, Mayor of the Town of Peterborough, Hugh Jones, Reeve of the Township of Marmora, S. S. Peck, Warden of the County of Peterborough, Robert Cockburn, of Campbellford, and such other persons as shall become Shareholders in the said Company after the passing of this Act; and the said corporators in this Act named shall in all respects have and hold and exercise the said powers as fully as the parties originally named in the said Act sixteenth Victoria, chapter forty three, could and did hold and exercise the same; and all powers in respect of the subscribing for and holding of Stock in the said Company, and all other powers whatsoever by the said Act granted to Municipal Corporations and others, shall be continued by this Act, and may be exercised as fully and effectually as they might have been under

Corporate name.

under the said Act; and the name of the said Company shall be the Grand Junction Railway Company.

New provisional Directors.

2. In place of the Directors named in the sixth section of the said charter of the said Grand Junction Railroad Company, the following persons shall be the Provisional Directors of the said Company; Hon. Billa Flint, William Hamilton Ponton, Alexander Robertson, Thomas Kelso, Abraham Diamond and Thomas Holden, of the Town of Belleville; George H. Boulter, of the Village of Sterling; John Carnegie, and W. H. Scott, of the Town of Peterborough; Robert Cockburn, of Campbellford; James S. Fowlds, of the Village of Hastings; James Dinwoodie, of the Township of Seymour; James Miller, of the Township of Otonabee; and Robert D. Rogers of the Village of Ashburnham.

Gauge, line &c.

3. The said Company shall have the right, notwithstanding anything in the said Act contained, to build the said Railway with such gauge, on such line, and in such manner as the Directors of the said Company may think best.

Powers of Directors.

4. The Directors in this Act named shall have all the powers assigned to the Provisional Directors of the Company by the said Act, sixteenth Victoria, chapter forty-three.

Capital stock.

5. The Capital Stock of the said Company shall be one million of dollars, to be divided into shares as in the said Charter provided.

First general meeting for election of Directors.

6. When and so soon as one-tenth of the capital required by the said Act shall be obtained by the subscription of stock and bonuses from corporations or parties interested in the said line of Railway, or by the subscription of stock alone, the Directors in this Act named shall have all the powers mentioned in section ten of the said Act, sixteenth Victoria, chapter forty-three. And the first general meeting of the Company for the election of Directors shall be held as prescribed by section ten of the said Act.

Arrangements with Grand Trunk Company.

7. It shall be lawful for the said Company and the Grand Trunk Railway Company of Canada, to make arrangements for the use of a part of the line of the said Grand Trunk Railway Company at or near Belleville, and for station accomodation and for such other purposes connected with the working of the traffic from one line to the other as the said two Companies may think for their mutual interest and the public convenience, and for the payment of compensation for the said accommodation as they may agree upon.

Commencement and completion of works.

Line of railway.

8. The said Railway shall be commenced within two years, and completed to Peterborough within six years from the passing of this Act. The said Company shall have power under this Act to lay out, construct, make and finish an Iron Railway, at their own

own cost and charges, on or over any part of the country lying between Belleville and Peterboro', and then to such point on the Georgian Bay as may be decided on by the said Company: Provided always, that the said Company shall not have power to build or make such Railway to the City of Toronto. Proviso.

9. Nothing in this Act contained shall, in any form, manner, or respect, affect or interfere with the amalgamation of the several other Railway Companies composing the Grand Trunk Railway Company of Canada. Grand Trunk amalgamation with other Companies not affected.

CAP. LIV.

An Act to incorporate the St. Francis and Megantic International Railway Company.

[*Assented to 12th May, 1870.*]

WHEREAS the persons hereinafter named, and others have petitioned for incorporation as a Company to construct the Railway hereinafter described, and the construction of such Railway would be of great benefit to the commerce and for the general advantage of the Provinces of Quebec, New Brunswick, and Nova Scotia, and of the Dominion of Canada, and it is expedient to grant their prayer; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada enacts as follows:— Preamble.

1. The St. Francis and Megantic International Railway is hereby declared to be a work for the general advantage of the Dominion of Canada. Railway of general advantage to Canada.

2. Benjamin Pomroy, Charles Brooks, Richard William Heneker, William Farwell the younger, Lemuel Pope, Cyrus A. Bailey, Colin Noble, Edward Towle Brooks, William Farwell and Stephen Edgell, Esquires, with all such other persons and corporations as shall become shareholders in the Company hereby incorporated, shall be, and are hereby constituted a body corporate and politic by the name of "The St. Francis and Megantic International Railway Company," and shall have all the powers incident to railway corporations in general, and specially the powers hereinafter conferred upon the said Company by this Act. Persons incorporated. Corporate name, &c.

3. The said Company and their agents and servants may lay out, construct and finish a double or single track iron Railway, of such width or gauge as the Company see fit, from the town of Sherbrooke, in the Province of Quebec, to the Province line at a point near Lake Megantic, there to connect with a line of Railway in the State of Maine, about to be constructed, and which will connect Power to construct a line of railway.

connect with the European and North American Railway, or a branch thereof, so as to form a continuous Railway from the Grand Trunk Railway to the City of St. John in New Brunswick, with the right on the part of the Company hereby incorporated either to make arrangements by agreement with the Grand Trunk Railway Company of Canada, which last mentioned Company are hereby authorized to enter into such arrangement, by the laying of a third rail or otherwise, to use that portion of the Grand Trunk Railway between the said town of Sherbrooke and the village of Lennoxville in the Township of Ascot in the Province of Quebec, as a part of the railway hereby authorized to be constructed, or to construct an independent road between the said points, as the said Company hereby incorporated shall consider most advantageous for their interests.

As to portion between Sherbrooke and Lennoxville.

Capital stock and shares, and how to be applied.

4. The Capital Stock of the said Company shall not exceed, in the whole, the sum of one million, five hundred thousand dollars, to be divided into thirty thousand shares, of fifty dollars each, which amount shall be raised by the persons hereinbefore named, and such other persons and corporations as may become shareholders in the said Stock; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans, and estimates connected with the Railway; and all the rest and remainder of such money shall be applied towards making, completing, and maintaining the said Railway, and other purposes of this Act: provided always, that until the said preliminary expenses shall be paid out of the Capital Stock, it shall be lawful for the Municipality of any County, City, Town, or Township, interested in the said Railway or otherwise, to pay out of the funds of such Municipality, such preliminary expenses, which sums shall be refunded to such Municipality from the stock of the said Company, or be allowed in payment of stock, or on account of any sum granted in aid of said road by such Municipality.

Proviso: as to preliminary expenses.

Company may take grants of land in aid.

5. It shall be lawful for the said Company to receive, either by grant from Government, or any private individuals or corporations, as aid in the construction of the said Railway, any vacant lands in the vicinity thereof, either as a gift or in payment of stock, and legally to dispose of and alienate the same for the purposes of the said Company, in carrying out the provisions of this Act.

Provisional Directors.

6. John Henry Pope, M.P., The Honorable John Sewall Sanborn, the Honorable Sir Alexander Tilloch Galt, James Ross, M.P.P., Charles Brooks, Richard William Heneker, Thomas S. Morey, Benjamin Pomroy, Cyrus A. Bailey, Lemuel Pope, Colin Noble, and Luis M'Iver, Esquires, shall be and are hereby constituted a Board of Directors of the said Company, and shall hold office as such until other Directors shall be appointed under the provisions of this Act by the shareholders, and shall have power and authority to fill vacancies occurring therein, to associate with themselves

selves therein not more than four other persons, who shall thereupon become and be, Directors of the Company, equally with themselves, to open Stock Books, and procure subscriptions for the undertaking, to make calls upon the subscribers, to cause surveys and plans to be made and executed, to call a general meeting of Shareholders for the election of other Directors as hereinafter provided, and generally to do all such other acts as such Board under the Railway Act may lawfully do:

The said Directors are hereby empowered to take all necessary steps for opening the Stock Books for the subscription of parties desirous of becoming Shareholders in the said Company, and all parties subscribing to the capital stock of the said Company, shall be considered proprietors and partners in the same. **Their powers. Opening stock books.**

7. When and so soon as one-tenth part of the said capital stock shall have been subscribed, as aforesaid, the said Directors, or a majority of them, may call a meeting of Shareholders at such time and place as they shall think proper, giving at least two weeks' notice in one or more newspapers published in the City of Montreal, and in the Town of Sherbrooke, at which said general meeting and at the annual general meetings in the following sections mentioned, the Shareholders present, either in person or by proxy, shall elect not less than seven, nor more than ten Directors, in the manner and qualified as hereinafter provided; which said Directors shall constitute a Board of Directors, and shall hold office until the first Monday in September in the year following their election. **When the first meeting for election of Directors may be held.**

8. On the said first Monday in September, and on the first Monday in September in each year thereafter, at the principal office of the said Company, at the said town of Sherbrooke, there shall be held a general meeting of the Shareholders of the Company, at which meeting, the said Shareholders shall elect a like number of not less than seven, nor more than ten Directors for the then ensuing year, in the manner and qualified as hereinafter provided; and public notice of such annual meeting and election shall be published one month before the day of election, in one or more Newspapers in the city of Montreal, and in the town of Shérbrooke, and the election of Directors shall be by ballot, and the persons so elected, together with any *Ex-Officio* Directors, shall form the Board of Directors. **Annual general meetings. Notice, ballot, &c.**

9. Five Directors shall form a quorum for the transaction of business, and the Board of Directors may employ one or more of their number as paid Director or Directors; provided however that no person shall be elected a Director unless he shall be the holder and owner of at least twenty shares of the said Company and shall have paid up all calls upon the stock. **Quorum of Directors. Proviso.**

10. In the election of Directors under this Act, and in the transaction of all business at General Shareholders' Meetings, each **Scale of votes.**

Shareholder

Shareholder shall be entitled to as many votes as he holds shares, upon which the calls have been paid up.

Calls on shares.

11. The Directors may at any time call upon the shareholders for instalments upon each share which they, or any of them, may hold in the capital stock of the said Company, in such proportion as they may see fit, no such instalment exceeding ten per cent., and giving one month's notice thereof, in such manner as the Directors may appoint.

Company may become parties to notes, &c.

12. The said Company shall have power and authority to become parties to Promissory Notes and Bills of Exchange, for sums not less than one hundred dollars, and any such Promissory Note made or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer of the said Company, and under the authority of a majority of a quorum of the Directors, shall be binding on the said Company; and every such Promissory Note or Bill of Exchange so made, shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the said Company affixed to such promissory Note or Bill of Exchange, nor shall the said President, or Vice-President, or the Secretary and Treasurer, be individually responsible for the same, unless the said Promissory Notes or Bills of Exchange have been issued without the sanction and authority of the Board of Directors as herein provided and enacted; Provided, however, that nothing in this section shall be construed to authorize the said Company to issue Notes or Bills of Exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

Proviso.

Proviso: not to issue bank notes.

Bonds for raising money by loan, bearing hypothec.

13. The Directors of the said Company shall have the power, upon being duly authorized thereto by a vote of a majority of stockholders in the said Company, present at any Annual Meeting in the month of September, for the purpose of electing Directors, to issue their Bonds, made and signed by the President and Vice-President of the said Company, and countersigned by the Secretary and Treasurer, and under the seal of the said Company, for the purpose of raising money for prosecuting the undertaking, and such Bonds shall be and be considered to be privileged claims upon the property of the said Company, and shall bear *hypothèque* upon the said Railway without registration; Provided, however, that no such Bonds bearing such *hypothèque* shall be issued until after ten per cent. of the whole Capital Stock of the said Company, as provided by this Act, shall have been expended in and upon the said Railway; and provided also, that the whole amount raised upon such Bonds shall not exceed five hundred thousand dollars.

Proviso.

Proviso.

Power to make arrangements with other Companies.

14. It shall be lawful for the said Company to enter into an agreement with any other Railway Company with which the said Road shall connect, and particularly with such Company as shall be authorized to construct a Railroad, in the State of Maine, to connect with the Railway to be constructed under the provisions of

of this Act, to secure uniformity of tolls, and to make any and all regulations whereby terms may be settled upon, for securing mutual advantage to the Companies interested, and rules established, to be acted upon in common, to facilitate the transport of freight and passengers, over the whole line of Railways, of which said Railway shall form part, or for leasing said Railway, or any part thereof, or acquiring by lease, any Railway or portion of a Railway, to carry out the purposes of said road, and secure a continuous line of Railway from Sherbrooke aforesaid, to the City of St. John aforesaid; provided that no such agreement to lease any part, or the whole of said Railway, or to acquire any other Railway or any portion thereof, in Canada or in the United States, shall be executed until approved by a majority of the shareholders at their Annual Meeting, to be held as aforesaid. Proviso.

15. The Directors of the said Company, elected by the shareholders in accordance with the provisions of this Act, shall have power and authority to enter into and conclude any arrangements with any other Chartered Railway Company, for the purpose of making any branch or branches to facilitate a connection between this Company and such other Chartered Railway Company. Agreements for branches with other companies.

16. It shall and may be lawful for the said Company to take and appropriate for the use of the said Railway, but not to alienate, any wild lands of the Crown along the line of the said Railway, which may be necessary for the said Railway, with the consent of the Governor in Council, and also so much of the land covered by the waters of any river, stream, lake or canal, as may be necessary for the works of the said Railway; Provided that if the said Railway shall cross any navigable river or canal, it shall not be lawful for the said Company to obstruct the navigation of such river, or the use of such canal, save and except under and subject to such rules and regulations as may be made from time to time by the Governor in Council, with reference to draw or swing-bridges for the passage of vessels, boats or rafts. Use of wild lands of the Crown, lands covered with water, &c. As to crossing navigable waters.

17. Any Shareholder in the said Company, whether a British subject or alien, or a resident in Canada or elsewhere, has and shall have equal rights to hold stock in the said Company, and to vote on the same and to be eligible to office in the said Company. Aliens may vote, &c.

18. Any deed of conveyance of land to the said Company may be in the form of Schedule A, to this Act annexed, and may be enregistered at full length upon the affidavit of one of the witnesses to the execution thereof, made before the officers usually authorized to receive the same, and a deed in such form, or in words of like import, shall be a legal and valid conveyance of the land and immovables therein mentioned to all intents and purposes, and the registration thereof shall be of the same effect as if such deed were executed before a notary. Form of conveyance to Company.

Shareholder shall be entitled to as many votes as he holds shares, upon which the calls have been paid up.

Calls on shares.

11. The Directors may at any time call upon the shareholders for instalments upon each share which they, or any of them, may hold in the capital stock of the said Company, in such proportion as they may see fit, no such instalment exceeding ten per cent., and giving one month's notice thereof, in such manner as the Directors may appoint.

Company may become parties to notes, &c.

12. The said Company shall have power and authority to become parties to Promissory Notes and Bills of Exchange, for sums not less than one hundred dollars, and any such Promissory Note made or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer of the said Company, and under the authority of a majority of a quorum of the Directors, shall be binding on the said Company; and every such Promissory Note or Bill of Exchange so made, shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the said Company affixed to such promissory Note or Bill of Exchange, nor shall the said President, or Vice-President, or the Secretary and Treasurer, be individually responsible for the same, unless the said Promissory Notes or Bills of Exchange have been issued without the sanction and authority of the Board of Directors as herein provided and enacted; Provided, however, that nothing in this section shall be construed to authorize the said Company to issue Notes or Bills of Exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

Proviso.

Proviso: not to issue bank notes.

Bonds for raising money by loan, bearing hypothec.

13. The Directors of the said Company shall have the power, upon being duly authorized thereto by a vote of a majority of stockholders in the said Company, present at any Annual Meeting in the month of September, for the purpose of electing Directors, to issue their Bonds, made and signed by the President and Vice-President of the said Company, and countersigned by the Secretary and Treasurer, and under the seal of the said Company, for the purpose of raising money for prosecuting the undertaking, and such Bonds shall be and be considered to be privileged claims upon the property of the said Company, and shall bear *hypothèque* upon the said Railway without registration; Provided, however, that no such Bonds bearing such *hypothèque* shall be issued until after ten per cent. of the whole Capital Stock of the said Company, as provided by this Act, shall have been expended in and upon the said Railway; and provided also, that the whole amount raised upon such Bonds shall not exceed five hundred thousand dollars.

Proviso.

Proviso.

Power to make arrangements with other Companies.

14. It shall be lawful for the said Company to enter into an agreement with any other Railway Company with which the said Road shall connect, and particularly with such Company as shall be authorized to construct a Railroad, in the State of Maine, to connect with the Railway to be constructed under the provisions of

of this Act, to secure uniformity of tolls, and to make any and all regulations whereby terms may be settled upon, for securing mutual advantage to the Companies interested, and rules established, to be acted upon in common, to facilitate the transport of freight and passengers, over the whole line of Railways, of which said Railway shall form part, or for leasing said Railway, or any part thereof, or acquiring by lease, any Railway or portion of a Railway, to carry out the purposes of said road, and secure a continuous line of Railway from Sherbrooke aforesaid, to the City of St. John aforesaid; provided that no such agreement to lease any part, or the whole of said Railway, or to acquire any other Railway or any portion thereof, in Canada or in the United States, shall be executed until approved by a majority of the shareholders at their Annual Meeting, to be held as aforesaid. Proviso.

15. The Directors of the said Company, elected by the shareholders in accordance with the provisions of this Act, shall have power and authority to enter into and conclude any arrangements with any other Chartered Railway Company, for the purpose of making any branch or branches to facilitate a connection between this Company and such other Chartered Railway Company. Agreements for branches with other companies.

16. It shall and may be lawful for the said Company to take and appropriate for the use of the said Railway, but not to alienate, any wild lands of the Crown along the line of the said Railway, which may be necessary for the said Railway, with the consent of the Governor in Council, and also so much of the land covered by the waters of any river, stream, lake or canal, as may be necessary for the works of the said Railway; Provided that if the said Railway shall cross any navigable river or canal, it shall not be lawful for the said Company to obstruct the navigation of such river, or the use of such canal, save and except under and subject to such rules and regulations as may be made from time to time by the Governor in Council, with reference to draw or swing-bridges for the passage of vessels, boats or rafts. Use of wild lands of the Crown, lands covered with water, &c. As to crossing navigable waters.

17. Any Shareholder in the said Company, whether a British subject or alien, or a resident in Canada or elsewhere, has and shall have equal rights to hold stock in the said Company, and to vote on the same and to be eligible to office in the said Company. Aliens may vote, &c.

18. Any deed of conveyance of land to the said Company may be in the form of Schedule A, to this Act annexed, and may be enregistered at full length upon the affidavit of one of the witnesses to the execution thereof, made before the officers usually authorized to receive the same, and a deed in such form, or in words of like import, shall be a legal and valid conveyance of the land and immovables therein mentioned to all intents and purposes, and the registration thereof shall be of the same effect as if such deed were executed before a notary. Form of conveyance to Company.

Short title. **19.** This Act shall be known and cited as the "St. Francis and Megantic Railway Act."

SCHEDULE A.

Form of Deed of Sale.

Know all men by these presents, that I, A. B., in consideration of paid to me by the St. Francis and Megantic International Railway Company, the receipt whereof is hereby acknowledged, grant, bargain, sell and convey unto the said St. Francis and Megantic International Railway Company, their successors and assigns, all that tract or parcel of land *(describe the land,)* to have and to hold the said land and premises, unto the said Company, their successors and assigns forever.

Witness my hand and seal this day of one thousand eight hundred and

Signed, Sealed and Delivered in presence of } A. B. L. S.

C. D.
E. F.

CAP. LV.

An Act to incorporate the Montreal and Champlain Junction Railway Company.

[*Assented to* 12*th May*, 1870.]

Preamble. WHEREAS the persons hereinafter named, and others, have petitioned for incorporation as a Company to construct the Railway hereinafter described, and the construction of such Railway would be of great benefit to the commerce and for the general advantage of the Dominion of Canada, and it is expedient to grant their prayer; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Work declared of general advantage. **1.** The Montreal and Champlain Junction Railway is hereby declared to be a work for the general advantage of Canada.

Incorporation and corporate name. **2.** The Honorable Christopher Dunkin, the Honorable James Ferrier, Charles John Brydges, Samuel Willard Foster, and Julius Scriver, M. P., Esquires, with all such other persons and corporations as shall become shareholders in the Company hereby incorporated, shall be and are hereby constituted a body corporate and politic, by the

the name of "The Montreal and Champlain Junction Railway Company."

3. The said Company and their agents and servants, may lay out, construct, and finish a double or single track iron or steel Railway, of such width or gauge as the Company see fit, from some point on the Caughnawaga portion of the Montreal and Champlain Railroad, at the Village of St. Rémi, or at some point between the Village of St. Rémi and St. Isidore Station, to some point on the St. Lambert line of the said Railroad between St. John's and St. Lambert. **Line of the railway.**

4. The Capital Stock of the said Company shall not exceed in the whole the sum of two hundred and fifty thousand dollars, to be divided into two thousand five hundred shares of one hundred dollars each, which amount shall be raised by the persons hereinbefore named, and such other persons and Corporations as may become shareholders in the said stock, and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the Railway, and all the rest and remainder of such money shall be applied towards making, completing and maintaining the said Railway, and other purposes of this Act. **Capital stock and shares, and how to be applied.**

5. The Honorable Christopher Dunkin, the Honorable James Ferrier, Charles John Brydges, Samuel Willard Foster, and Julius Scriver, Esquires, shall be, and are hereby constituted a Board of Directors of the said Company, and shall hold office as such, until other Directors shall be appointed under the provisions of this Act, by the Shareholders,—with power to open Stock Books and procure subscriptions for the undertaking, to make calls upon the subscribers, to cause surveys and plans to be made and executed, to call a general meeting of Shareholders for the election of other Directors as hereinafter provided, and generally to do all such other acts as such Board under the Railway Act may lawfully do. **Board of Directors constituted. Their powers**

6. The said Directors are hereby empowered to take all necessary steps for opening the Stock Books for the subscription of parties desirous of becoming Shareholders in the said Company, and all parties subscribing to the capital stock of the said Company, shall be considered proprietors and partners in the same. **Subscriptions for stock.**

7. When and so soon as one-tenth part of the said capital stock shall have been subscribed, as aforesaid, the said Directors, or a majority of them, may call a meeting of Shareholders at such time and place as they shall think proper, giving at least two weeks' notice in one or more newspapers published in the City of Montreal, at which general meeting, and at the annual general meetings in the following sections mentioned, the Shareholders present either in person or by proxy, shall elect five Directors in the manner and qualified as hereinafter provided, which said Directors shall constitute a Board of Directors, and shall hold office until the **When the first general meeting may be held.**

the first Monday in September in the year following their election.

Annual election of Directors by ballot.

8. On the said first Monday in September, and on the first Monday in September in each year thereafter, at the principal office of the said Company, there shall be holden a general meeting of the Shareholders of the said Company, at which meeting the said Shareholders shall elect a like number of Directors for the then ensuing year, in manner and qualified as hereinafter provided; and public notice of such annual general meeting and election shall be published one month before the day of election, in one or more newspapers published in the City of Montreal; and the elections for Directors shall be by ballot.

Quorum of Directors, &c. Qualification.

9. Three Directors shall form a quorum for the transaction of business; Provided, however, that no person shall be elected a Director unless he shall be the holder and owner of at least ten shares of the stock of the said Company, and shall have paid up all calls on the said stock.

One vote for each share.

10. In the elections of Directors under this Act, and in the transaction of all business at General Shareholders' Meetings, each Shareholder shall be entitled to as many votes as he holds shares upon which the calls have been paid up.

Calls on shares.

11. The Directors may, at any time, call upon the Shareholders for instalments upon each share which they, or any of them, may hold in the capital stock of the said Company, in such proportion as they may see fit, no such instalment exceeding ten per cent., and giving one month's notice thereof, in such manner as the Directors may appoint.

Forms of deeds of lands to the Company, and registration thereof.

12. All deeds and conveyances of lands to the said Company for the purposes of this Act, in so far as circumstances will admit, may be in the form given in Schedule A, to this Act subjoined, or in any other form to the like effect; and for the purposes of due enregistration of the same, all Registrars in their respective Counties, are required to be furnished by, and at the expense of the said Company, with a book with copies of the forms given in the said Schedule A, one to be printed on each page, leaving the necessary blanks to suit the circumstances of each separate conveyance, and shall, upon the production and proof of due execution of any such conveyance, enter the same without any memorial, and shall minute the enregistration or entry on the deed, and the Registrar shall charge and receive from the said Company for all fees, on every such enregistration, fifty cents, and no more, and such enregistration shall be deemed to be valid in law; any Statute or provision of law to the contrary notwithstanding.

Company may become parties to notes, &c.

13. The said Company shall have power and authority to become parties to Promissory Notes and Bills of Exchange, for sums not less than one hundred dollars, and any such Promissory Note

Note made or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer of the said Company, and under the authority of a majority of a quorum of the Directors, shall be binding on the said Company; and every such Promissory Note or Bill of Exchange so made, shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the said Company affixed to such Promissory Note or Bill of Exchange, nor shall the said President, or Vice-President, or the Secretary and Treasurer, be individually responsible for the same, unless the said Promissory Notes or Bills of Exchange have been issued without the sanction and authority of the Board of Directors as herein provided and enacted; Provided, however, that nothing in this section shall be construed to authorize the said Company to issue Notes or Bills of Exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank. **Proviso: not to issue bank notes.**

14. The Directors of the said Company shall have the power, upon being duly authorized thereto by a vote of a majority of stockholders in the Company, present at any Annual Meeting in the month of September, or at a special meeting to be called for the purpose, to issue their Bonds, made and signed by the President and Vice-President of the said Company, and countersigned by the Secretary and Treasurer, and under the seal of the said Company, for the purpose of raising money for prosecuting the undertaking, and such Bonds shall be and be considered to be privileged claims upon the property of the said Company, and shall bear *hypothèque* upon the said Railway without registration; provided, however, that no such Bonds bearing such *hypothèque* shall be issued until after ten per cent. of the whole Capital Stock of the said Company, as provided by this Act, shall have been expended in and upon the said Railway; and provided also, that the whole amount raised upon such Bonds shall not exceed one hundred and twenty-five thousand dollars. **Bonds for raising money by loan, bearing hypothec.** **Proviso.** **Proviso.**

15. In case of neglect or refusal to pay the toll or freight due to the said Company on any goods, they shall have the power to detain the same until the payment of such freight be made, and in the meantime such goods shall be at the risk of the owner, and if such goods be of a perishable nature, the said Company shall have a right to sell the same forthwith, on the certificate of two competent persons establishing the fact of their being so perishable; and if such goods are not of a perishable nature, and shall remain unclaimed for twelve months, the Company may, after giving one month's notice in two newspapers nearest the place where the goods may be, dispose of the same by public auction, and the proceeds of the sale, after paying the freight and cost of sale, shall be handed over to the owner if he shall claim the same. **Enforcing payment of freight on goods.**

16. It shall be lawful for the said Company to enter into an agreement with the Montreal and Champlain Railway Company, **Agreements with other Companies.**

or

or the Grand Trunk Railway Company of Canada, for leasing the said Railway or any part thereof, or the use thereof, at any time or times, to such other Company, or for leasing or hiring from such other Company, any Railway or part thereof, or the use thereof, or for leasing or hiring any locomotives, tenders, or moveable property, and generally to make any agreement or agreements with any such other Company touching the use by one or the other or by both Companies, of the Railroad or moveable property of either or of both, or any part thereof, or touching any service to be rendered by the one Company to the other, and the compensation therefor; and such agreement shall be valid and binding, and shall be enforced by Courts of Law, according to the terms and tenor thereof.

Aliens may vote, &c.

17. Any Shareholder in the said Company, whether a British subject or alien, or a resident in Canada or elsewhere, has and shall have equal rights to hold stock in the said Company, and to vote on the same and to be eligible to office in the said Company.

SCHEDULE A.

FORM OF DEED OF SALE.

Know all men by these presents, that I, A.B., of do hereby, in consideration of paid to me by the Montreal and Champlain Junction Railway Company, the receipt whereof is hereby acknowledged, grant, bargain, sell and convey unto the said Montreal and Champlain Junction Railway Company, their successors and assigns, all that tract or parcel of land *(describe the land)*, the same having been selected and laid out by the said Company for the purposes of their Railway, to have and to hold the said land and premises unto the said Company, their successors and assigns for ever.

Witness my hand and seal, this day of one thousand eight hundred and

Signed, sealed and delivered, in presence of { A. B. [L.S.]

CAP. LVI.

An Act to incorporate the Quebec and New Brunswick Railway Company.

[*Assented to* 12*th May,* 1870.]

Preamble.

WHEREAS the persons hereinafter named and others, have petitioned for incorporation as a Company to construct a Railway

Railway from a point between Kamouraska and Riviere du Loup, in the Province of Quebec, to connect with a line of railway to be constructed, under powers granted by the Legislature of New Brunswick, at Edmundton or Little Falls, in the County of Victoria, and it is expedient to grant their prayer; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Persons incorporated.

1. The Honorable Robert Duncan Wilmot, Senator, the Honorable Charles Connell, M.P., John Pickard, M.P., Alexander Gibson, John Boyd, Zachariah Chipman, and Henry G. C. Ketchum, with all such other persons and corporations as shall become shareholders in the Company hereby incorporated, shall be, and are hereby constituted a body corporate and politic by the name of the "Quebec and New Brunswick Railway Company," and shall have all the powers incident to railway corporations in general, and the powers and privileges conferred on such corporations by *The Railway Act*, 1868, subject to the provisions hereinafter contained.

Corporate name.

Powers to construct a line of railway.

2. The said Company and their agents and servants may lay out, construct and finish a double or single iron Railway, of such width or guage as the Company see fit, from the village of Edmundton or Little Falls, in the County of Victoria, in the Province of New Brunswick, to some point on the River St. Lawrence, between Kamouraska and Riviere du Loup, so as to form a continuous Railway from the River St. Lawrence to the City of St. John in New Brunswick.

Capital stock and shares, and how to be applied.

3. The Capital Stock of the said Company shall not exceed, in the whole, the sum of one million two hundred thousand dollars, to be divided into twelve thousand shares, of one hundred dollars each, which amount shall be raised by the persons hereinbefore named, and such other persons and Corporations as may become shareholders in the said Stock; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the Railway; and all the rest and remainder of such money shall be applied towards making, completing and maintaining the said Railway, and other purposes of this Act.

Company may take grants of land.

4. It shall be lawful for the said Company to receive, either by grant from Government, or from any private individuals or corporations, as aid in the construction of the said Railway, any vacant lands in the vicinity thereof, or any other real or personal property, or any sums of money, either as gifts, or in payment of stock, and legally to dispose of the same and alienate the lands or other real or personal property for the purposes of the said Company, in carrying out the provisions of this Act.

Provisional Directors.

5. The Honorable Robert Duncan Wilmot, Senator, the Honorable

able Charles Connell, M.P., John Pickard, M.P., Honorable Thomas M'Greevy, Alexander Gibson, John Boyd, Zachariah Chipman, Thomas Workman, Napoleon Casault, and Henry G. C. Ketchum, shall be, and are hereby constituted, a Board of Directors of the said Company, and shall hold office as such until other Directors shall be appointed under the provisions of this Act by the shareholders, and shall have power and authority to fill vacancies occurring therein, to open Stock Books and procure subscriptions for the undertaking, to make calls upon subscribers, to cause surveys and plans to be made and executed, to call a general meeting of Shareholders for the election of other Directors as hereinafter provided, and generally to do all such other acts as such Board, under the Railway Act, may lawfully do:

Their powers.

Subscriptions for stock.

The said Directors are hereby empowered to take all necessary steps for opening the Stock Books for the subscription of parties desirous of becoming Shareholders in the said Company, and all parties subscribing to the capital stock of the said Company, shall be considered proprietors and partners in the same.

When the first general meeting for the election of Directors shall be held.

6. When and so soon as one-tenth part of the said capital stock shall have been subscribed, as aforesaid, and one-tenth of the amount so subscribed paid in, the said Directors, or a majority of them, may call a meeting of Shareholders at such time and place as they shall think proper, giving at least two weeks' notice in one or more newspapers published at Quebec, Woodstock, Fredericton, and St. John, at which said general meeting, and at the annual general meetings in the following sections mentioned, the Shareholders present, either in person or by proxy, shall elect seven Directors in the manner, and qualified, as hereinafter provided, which said Directors shall constitute a Board of Directors, and shall hold office until the first Tuesday in May in the year following their election.

Annual general meetings.

7. On the said first Tuesday in May in each year thereafter, at the principal office of the said Company, there shall be held a general meeting of the Shareholders of the Company, at which meeting the said Shareholders shall elect a like number of not less than five nor more than seven Directors for the then ensuing year, in the manner and qualified as hereinafter provided; and public notice of such annual meeting and election shall be published one month before the day of election, in one or more Newspapers in the Cities of Quebec, Fredericton, and St. John, and the election for Directors shall be by ballot, and the persons so elected shall form the Board of Directors.

Election by ballot.

Quorum of Directors.

8. A majority of the Directors shall form a quorum for the transaction of business, and the said Board of Directors may employ one or more of their number as paid Director or Directors; provided however that no person shall be elected a Director unless he shall be the holder and owner of at least ten shares of the said Company and shall have paid up all calls upon the stock.

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9. The Directors may at any time call upon the Shareholders for instalments upon each share which they, or any of them, may hold in the capital stock of the said Company, in such proportion as they may see fit, no such instalment exceeding ten per cent., and the Directors shall give one month's notice of such call, in such manner as they may appoint. Calls on shares.

10. The said Company shall have power and authority to become parties to Promissory Notes and Bills of Exchange, for sums not less than one hundred dollars, and any such Promissory Note made or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer of the said Company, and under the authority of a majority of a quorum of the Directors, shall be binding on the said Company; and every such Promissory Note or Bill of Exchange so made, shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the said Company affixed to such Promissory Note or Bill of Exchange, nor shall the said President, or Vice-President, or the Secretary or Treasurer, be individually responsible for the same, unless the said Promissory Notes or Bills of Exchange have been issued without the sanction and authority of the Board of Directors as herein provided and enacted; Provided, however, that nothing in this section shall be construed to authorize the said Company to issue Notes or Bills of Exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank. Company may become parties to notes, &c. Proviso: company not to issue bank notes.

11. The Directors of the said Company are hereby authorized and empowered to issue bonds or debentures which shall be and form a first charge on the undertaking, lands, buildings, tolls and income of the Company, or any, either or all of them, as may be expressed by the said bonds or debentures, without the necessity for any enregistration thereof; and such bonds or debentures shall be in such form, and for such amount, and payable at such times and places as the Directors from time to time may appoint and direct, and the payment to the Treasurer of the Company, or to any other person appointed for the purpose, by any *bonâ fide* purchaser of any of the said lands, of the purchase money thereof, and the acquittance by such Treasurer, or other person so appointed, of such purchase money, shall operate as a discharge of such charge in respect of the lands so paid for; and until other provisions be made therefor, the Treasurer of such Company, or other person so authorized, shall keep all moneys so received separate and apart from the ordinary funds of the Company, and the moneys so received shall be invested from time to time in Government Securities, or in the stock of some solvent and well-established chartered bank in Canada, for the formation of a fund for the payment of the interest on such debentures as it becomes due, and for their redemption at maturity: The said bonds or debentures shall be signed by the President or Vice-President, and shall have the corporate seal of the Company affixed thereto; Provided that Power to issue bonds or debentures to be a first charge on lands, &c., of the Company. Proviso.

the

the amount of such bonds or debentures shall not exceed fifteen thousand dollars per mile, to be issued in proportion to the length of railway under contract or to be constructed under and by virtue of this Charter.

Arrangements for branches.

12. The Directors of the said Company, elected by the Shareholders in accordance with the provisions of this Act, shall have power and authority to enter into and conclude any arrangements with any other Chartered Railway Company, for the purpose of making any branch or branches to facilitate a connection between this Company and such other Chartered Railway Company.

Company may purchase, &c., other lines.

13. The said Company are also hereby authorised and empowered to contract and agree with any incorporated Railway Company, for the purchase, transfer, or amalgamation of their line of railway or undertaking, with the appurtenances and privileges thereto belonging, or in any manner appertaining; and the Company hereby incorporated, may assign, transfer, or lease their railway or any part thereof, or any rights or powers acquired under this Act, and the surveys, plans, work, plant, stock, machinery, or other effects belonging thereto, to any other incorporated Company, person or persons, or Corporations, upon such terms and conditions and with such restrictions, as the Directors may deem expedient, subject to the approval of the Shareholders at a special general meeting to be called for that purpose.

Company may transfer their line to other companies.

Aliens may vote, &c.

14. Any Shareholder in the said Company, whether a British subject or alien, or a resident of Canada or elsewhere, has and shall have equal rights to hold stock in the said Company, and to vote on the same and to be eligible to office in the said Company.

Form of conveyance to Companies.

15. Any deed of conveyance of land to the said Company may be in the form of Schedule A, to this Act annexed, and may be enregistered at full length upon the affidavit of one of the witnesses to the execution thereof, made before the officers usually authorized to receive the same; and a deed in such form, or in words of like import, shall be a legal and valid conveyance of the land and immovables therein mentioned to all intents and purposes, and the registration thereof shall be of the same effect as if such deed were executed before a notary.

Short title.

16. This Act shall be known and cited as the "Quebec and New Brunswick Railway Act."

SCHEDULE A.

Form of Deed of Sale.

Know all men by these presents, that I, A. B., in consideration of paid to me by the Quebec and New Brunswick Railway Company, the receipt whereof is hereby acknowledged, grant, bargain, sell and convey unto the said Quebec and New Brunswick

Brunswick Railway Company, their successors and assigns, all that tract or parcel of land (*describe the land*) to have and to hold the said land and premises unto the said Company, their successors and assigns for ever.

Witness my hand and seal this day of , one thousand eight hundred and .

Signed, Sealed, and Delivered in presence of } A. B. L. S.

CAP. LVII.

An Act to extend the operation of the Act of the Legislature of the late Province of Canada, 19 and 20 Vict., chapter 141, concerning the Synod of the Church of England in Canada, to the Province of Nova Scotia.

[*Assented to* 12*th May*, 1870.]

WHEREAS, an Act was passed by the Legislature of the late Province of Canada, in the nineteenth and twentieth years of Her Majesty's Reign, intituled "An Act to enable the Members of the United Church of England and Ireland in Canada to meet in Synod;" and whereas the Diocesan Synod of Nova Scotia have petitioned for an Act to empower the Provincial Synod of Canada to admit the representatives of the Diocese in the Province of Nova Scotia, and it is expedient to grant the prayer of their petition, and to enable the members of the said United Church throughout the Province of Nova Scotia, if they shall see fit, to assimilate their laws and practice, and to manage their affairs, under a uniform system; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. Act of Province of Canada, 10 and 20 Vict., cap. 141.

1. The Synod of the United Church of England and Ireland now constituted, or which shall hereafter be constituted in conformity with the provisions of the said Act, in the Province of Nova Scotia, may adopt said Act, and with the consent of the Synod of the Church of England in Canada, may unite with the members of the said Church in the Provinces of Ontario and Quebec in General Assembly, by their representatives, as fully and in the same manner, to all intents and purposes, as if they had been included in the Province of Canada at the time of the passing of the aforesaid Act; The said Act extended to Nova Scotia.

Provided

Proviso. Provided always, that nothing herein contained shall be held to authorise any interference with the right of nomination to parishes or other rights secured to the parishioners by the Revised Statutes of Nova Scotia, chapter forty-nine, relating to the Church of England in Nova Scotia;

Proviso. Provided further, that nothing herein contained shall be held to extend to or affect any parishes, clergymen or congregations of the Church of England in Nova Scotia, who have not given or who may not hereafter give adherence to the said Diocesan Synod of Nova Scotia

Act not to confer ecclesiastical rights. **2.** Nothing herein contained shall be construed in any way directly or indirectly to confer any spiritual jurisdiction or ecclesiastical rights whatsoever, upon the Synod of Nova Scotia or their successors

CAP. LVIII.

An Act to amend the Act intituled, "An Act to incorporate The Sun Insurance Company of Montreal."

[*Assented to 12th May*, 1870.]

Preamble. WHEREAS, the promoters of "The Sun Insurance Company of Montreal," have petitioned for the amendment and extension of the Act of Incorporation of the said Company, and it is expedient that the prayer of their petition be granted; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Act 28, Vict., cap. 43, amended. **1.** The Act passed in the Session of the Parliament of the late Province of Canada, held in the twenty-eighth year of Her Majesty's Reign, and intituled "An Act to incorporate The Sun Insurance Company of Montreal," is hereby amended and extended, Capital. so that, notwithstanding anything therein contained, the capital stock of the said company shall be One Million of Dollars, with Increase thereof. power to the said company to increase the same, under the provisions of the said Act, in sums of not less than One Million of Dollars, to a sum not exceeding Four Millions of Dollars.

Time for deposit under 31 Vict., cap. 48, extended. **2.** The privileges granted by section four of the Act passed in the Parliament of Canada, in the thirty-first year of Her Majesty's Reign, intituled, "An Act respecting Insurance Companies," to Companies existing at the time of its passing, of obtaining licences from the Minister of Finance, on the deposit of fifty thousand dollars payable in three equal annual instalments,

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are hereby extended to the said company, as fully as if the said company had fulfilled all the requirements of the said Act within the time limited therein; provided, however, that the said company shall make such deposit, and obtain a licence in respect of each branch of its business as hereinafter mentioned, and shall pay the first instalment of such deposit on behalf of that branch in which they may commence operations, on or before the first day of March, one thousand eight hundred and seventy-one; and in the event of the Company undertaking the other branch of their business, the same privilege of making the necessary deposit by instalments shall be extended to them the payment of the first instalment of such deposit being made before they commence the business of such other branch.

Life and accident business to be a distinct branch, and what it shall include.

3. The business of Life and Accident Assurance, which the said company is authorized to transact, shall include power to effect contracts of assurance, with any persons or bodies corporate, upon lives, or in any way dependent upon lives, and to grant or sell annuities, either for lives or otherwise, and on survivorship, and to purchase annuities, to grant endowments to children or other persons, and to receive investments of money for accumulation, to purchase contingent rights, whether of reversion, remainder, annuities, life policies or otherwise, and generally to enter into any transaction depending upon the contingency of life or accident to the person, whether by land or sea, usually entered into by life or accident assurance companies, including re-assurance, and shall be established, maintained and prosecuted by the said company, as a distinct branch of its business, under the corporate name of the said company, with the addition thereto of the words "Life Branch."

To be carried on under name "The Sun Insurance Company of Montreal, Life Branch."

Capital $1,000,000, increaseable to $2,000,000.

4. The capital stock of one million of dollars shall be applied solely to the "Life Branch" of the said Company, but may be increased under the terms of the Act of Incorporation to two millions of dollars.

Directors to be elected when 5,000 shares subscribed, and $50,000 paid up in "Life Branch."

5. So soon as at least five thousand shares of the capital stock of the said company shall have been subscribed and allotted to the "Life Branch" of the said company, and fifty thousand dollars paid in on account of the same, it shall be lawful for the shareholders to elect the directors of the said company, as provided in the said Act, and to commence the business of Life and Accident Assurance under their said charter.

Business of General Branch.

6. The general business which the said company is authorized to transact in fire insurance, as well as in marine and guarantee insurance, and the re-insurance of any risks thereunder, shall be established, maintained, and prosecuted, as a distinct branch of the business of the said company, under the corporate name of the said company, with the addition thereto of the words "General Branch."

7.

"General Branch" to be commenced when 5,000 shares subscribed, and $50,000 paid up.

7. One million of dollars may be raised for the purposes of the said "General Branch," which may be increased to two millions of dollars, and so soon as at least five thousand shares of the capital stock of the said company shall have been subscribed and allotted to the "General Branch" of the said company, and fifty thousand dollars paid in on account of the same, it shall be lawful for the said company to commence the business of insurance included under the branch styled the "General Branch."

Separate accounts to be kept of "Life Branch" and "General Branch."

8. The said company shall maintain separate accounts of the stock subscribed and allotted, and of the business transacted by it, under the "Life Branch" and "General Branch," and of the expenses, profits and claims, losses, liabilities and assets, under each of the said branches respectively; and all instruments representing investments made of such assets shall specify for which branch such investments are so made, and shall be held for such branch.

Separate liability in "Life Branch" and "General Branch."

9. The capital stock of the said company so subscribed and allotted to the "Life Branch," and "General Branch" respectively, shall be liable only for the expenses, losses and liabilities incurred by the branch to which the same has been allotted, and entitled only to the profits and claims arising in, and proceeding from, such branch.

Company not bound to take notice of trusts on its stock.

10. The Company shall not be bound to see to the execution of any trust, whether expressed, implied or constructive, to which any share or shares of its stock may be subject, and the receipt of the party in whose name any share stands in the books, shall be a sufficient discharge to the Company for any money paid in respect of such share or shares, notwithstanding any trust to which they may be held subject, and whether or not the company shall have had notice of such trust.

Directors or Officers not to borrow from Company, &c.

11. No director or other officer of the company shall become a borrower of any portion of its funds, nor become surety for any other person who is or shall become a borrower from the company, nor shall the funds of one branch be applied to or borrowed for the purposes of the other.

Case of failure of either branch.

12. The failure of the Life Branch or of the General Branch to meet its obligations shall not necessitate the suspension of its business by the other branch, or subject such other branch to the provisions of the Act respecting Insurance Companies, in relation to companies becoming insolvent.

Provisional Directors.

13. The provisional directors of the said company shall be George Stephen, George Winks, Thomas Gordon, Henry Mulholland, George H. Frothingham, A. W. Ogilvie, A. F. Gault, James Hutton, and M. H. Gault, all of the City of Montreal, merchants, instead of the persons named in the said Act.

Annual value of real estate extended.

14. The real estate which may be held by the said company for the purpose of conducting its business, shall not exceed the annual value of twenty thousand dollars.

15.

15. The securities which the said company shall be entitled to hold, shall include the securities of the Dominion of Canada, or of any of the Provinces comprising the said Dominion. Securities to be held.

16. The twenty-seventh section of the said Act twenty-eighth Victoria, chapter forty-three, is hereby repealed, and the said Act is extended, as if the said section had never been enacted, and all the provisions of the said Act inconsistent with this Act are hereby repealed. Section 27 of 28 Vict., cap. 43, and all inconsistent enactments repealed.

CAP. LIX.

An Act to incorporate "The Society of Canadian Artists."

[*Assented to 12th May, 1870.*]

WHEREAS Charles J. Way, O. R. Jacobi, A. Vogt, Allan Edson and other Artists, members of an Association of Canadian Artists, have by Petition set forth that they have during the last two years existed as an association known as "The Society of Canadian Artists," having for their object the advancement of the Fine Arts in the Dominion of Canada, by elevating the standard of art, training artists throughout this Dominion and inciting them to emulation in the production of works of art for public exhibition and disposal, in the manner practised by the Art Unions of Great, Britain, France, and other European Powers, and for these purposes to establish and maintain schools of Art and design, Art Libraries, Picture Galleries, and Art Unions, at the same time providing for the relief of indigent artists, their widows and children, in case of sickness, old age, or death, by an annual subscription of its members, to form a fund distributable according to their wants and necessities; and that they are desirous of being enabled to carry out the objects of such association, by legislative enactment incorporating them under the name of "The Society of Canadian Artists," and whereas it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The said Charles J. Way, O. R. Jacobi, A. Vogt, Allan Edson, and all other persons, being artists, who may, by virtue of this Act, replace, or be united with them, shall be, and they are hereby constituted a body politic and corporate, under the name of "The Society of Canadian Artists," for all and every the purposes and ends aforesaid, and, under the said name, may acquire, by any legal title whatever, such real estate as they may require for their actual use and occupation Certain persons incorporated. Real property—conditions on which it may be held.

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pation as such association; and may sell and alienate any real estate held by them, and acquire other instead thereof, for the purposes of this Act, and may acquire any other real estate or interest therein, by gift, devise, or bequest, and may hold such real estate for a period of not more than five years, but the same, or any part or portion thereof, or interest therein, which may not, within the said period, have been alienated, shall revert to the party from whom the same was acquired, his heirs, or other representatives.

Officers of Corporation, and their duties.

2. The Corporation shall have power to administer their affairs by such and so many councillors, and other officers, and under such restrictions as touching their powers and duties, as by any By-laws in that behalf they may from time to time ordain: and they may assign to any of such officers, such remuneration as they may deem requisite.

By-laws for certain purposes.

3. The Corporation may make all such By-laws, not contrary to Law, as they may deem expedient for the government thereof, the maintenance and due regulation of any and every Gallery of Art, School of Design, Museum, Library, Reading Room, Art Union or other subsidiary undertaking of the like description, which they may find practicable and conducive to the advancement of the Fine Arts, the raising of capital by the issue of transferable shares or otherwise, the conditions under which such shares shall be issued and may be transferred or forfeited, and the administration of their affairs generally, and may amend and repeal such By-laws, from time to time, observing always, however, such formalities of procedure as, by such By-laws, may have been prescribed to that end; and, generally, shall have all needful corporate powers, for the aforesaid purposes of their organization and the purposes of this Act.

Application of revenues.

4. All the revenues of the Corporation, from whatever source they may be derived, shall be devoted exclusively to the maintenance and objects of the Corporation, and of such aids and reliefs to indigent Artists, their widows and children, and to the acquisition, improvement, and repair of the buildings, and other real estate required to that end, and to the purchase of pictures and books for the supply of their Gallery of Art, School of Design, Art Unions and Libraries aforesaid, and to no other purposes whatsoever.

Corporation may establish an Art Union.

5. And it shall be lawful for the said Corporation to establish and maintain an Art Union in connection with the said Corporation, and, for that purpose only, to purchase or otherwise acquire pictures, or other works of art, and distribute the same amongst the members of the said Corporation, or subscribers, or contributors to its fund, by lot

lot or chance, under By-laws enacted or to be enacted, to regulate such distribution, anything contained in chapter ninety-five of the consolidated statutes of the late Province of Canada, intituled "An Act respecting Lotteries," or any other law, custom, or usage to the contrary notwithstanding; Provided always, that any such By-law for such purposes as aforesaid shall have been first submitted to the consideration of and be approved of by the Governor in Council.

And distribute prizes by lot.

Proviso.

6. This Act, and the powers and privileges hereby conferred, shall be subject to any further legislation which may take place, and no general Act whereby any privileges hereby conferred may be affected or impaired, shall be deemed a violation of the charter of the said Association.

Right of further legislation reserved.

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1870.—33 VICTORIÆ.

THIRD SESSION, FIRST PARLIAMENT.

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